

*The Committee to Approve Schedules for the  
Retention and Disposition of Official State Records  
The “State Records Committee”  
Minutes for October 10<sup>th</sup>, 2018*

**1: Call to Order, Welcome, Roll Call**

- The meeting was called to order at 1:25 pm. The meeting was held at the Nevada State Library and Archives Board Room, at 100 N. Stewart St, Carson City, NV.

Committee Members:

Kimberley Perondi, for Barbara K. Cegavske, Secretary of State - Present

Kathryn Etcheverria, Governors Appointee - Present

Sarah Bradley, for Adam Laxalt, Nevada Attorney General - Present

Tammy Westergard, Acting Administrator, Nevada State Library, Archives and Public Records –  
Excused

Sara Martel, State Records Manager, for Tammy Westergard, Nevada State Library, Archives and  
Public Records - Present

Maureen Martinez, For Patrick Cates, Director of the Department of Administration – Present

Alisanne Maffei, for David Haws, Administrator, Enterprise Information Technology Services  
Excused

Staff:

Bobbie Church, Senior Records Analyst, NSLAPR – Present

Adan Aguilera, Administrative Assistant II, NSLAPR – Present

Jerry Lindsay, Senior Records Analyst, NSLAPR - Present

Guests Present:

Barbara K. Cegavske, Nevada Secretary of State

**2: Public Comment**

**Comment may be limited to 5 minutes at the discretion of the Chairman.**

The State Records manager Sara Martel announced to the Committee that Adan Aguilera a member of the State Records Committee staff will be leaving State Records on October 19<sup>th</sup>. Adan informed the committee that he is transferring to the Division of Child and Family Services.

**3: Attachment A. Review and Approve the Minutes for August 8, 2018**

**Discussion and Vote:**

The minutes were approved as presented. The motion was made by Sarah Bradley and the second was by Kathryn Etcheverria. The vote was unanimous.

**4: Attachment B. Proposed New RDAs for Agency Specific Records Retention Schedules**

**1. Attorney General’s Office**

**A. Title: *Background Check and Fingerprints***

**RDA: 2017045**

**Description:**

*This record series is used for criminal background checks for Attorney General’s employees, state employees that are not employees of the Attorney General’s office, and various outside vendors, to allow building access while performing work for the Department (NRS 239B.010). The files consist of but not limited to: background applications, Applicant Fingerprint Response with related notes and documents.*

**Authorized Retention:**

*Retain for three (3) calendar years from the end of the calendar year in which the background investigation was completed.*

**Recommended Disposition:**

*Destroy Securely*

**NSLAPR staff recommendation:**

The retention period meets administrative and legal needs.

**Agency review:**

The appraisal is supported by Attorney General’s Office Records Officer.

**Justification for New of RDA 2017045:**

A current schedule does not exist for this record series. Per the agency they do their own background checks, not the Department of Public Safety. A three-year retention is recommended to align with the retention period that is established in the Department of Public Safety’s “Applicant Fingerprints: Licensing, Certification and Employment” (RDA 2003153).

**B. Title: *Background Check and Fingerprints – Sworn Officer and Information Technology Personnel***

**RDA: 2018026**

**Description:**

*This record series is used for criminal background checks for sworn officers (NRS 239B.020 and NAC 289.110) and Information Technology personnel. The files consist of but not limited to: background applications, Applicant Fingerprint Response with related notes and documents.*

**Authorized Retention:**

*Retain for three (3) calendar years from the end of the calendar year in which the employee leaves the agency.*

**Recommended Disposition:**

*Destroy Securely*

**NSLAPR staff recommendation:**

The retention period meets administrative and legal needs.

**Agency review:**

The appraisal is supported by Attorney General's Office Records Officer.

**Justification for New of RDA 2018026:**

A current schedule does not exist for this record series. The agency performs its own background checks and is not part of Department of Public Safety's "Applicant Fingerprints: Licensing, Certification and Employment" (RDA 2003153). However, the three-year retention is recommended to align with the retention period that is established in that series. The triggering event is specific to these personnel for the duration of employment as opposed to the beginning of employment as in RDA 2017045 "Background Check and Fingerprints".

**C. Title:** *Bureau of Consumer Protection Case Files*

**RDA:** *2018001*

**Description:**

*This record series is used to document deceptive trade, antitrust, Nevada Public Utilities Commission, and Federal Energy Regulatory Commission matters handled by the Bureau of Consumer Protection (See NRS Chapters 228, 598, and 598A). The record series may contain but is not limited to: documentation of court and administrative proceedings, internal legal notes and drafts, confidential records collected from third parties, and related materials.*

**Authorized Retention:**

*Retain for two (2) calendar years from the end of the calendar year in which the final action of the case or investigation occurred.*

**Recommended Disposition:**

*Destroy securely.*

**NSLAPR staff recommendation:**

The retention period meets administrative and legal needs.

**Agency review:**

The appraisal is supported by Attorney General's Office Records Officer.

**Justification for New RDA 2018001:**

The two-year retention policy is to reduce the risk of security breaches which would violate the confidentiality provisions of NRS 598.0964(1) or NRS 598A.110. Increased security increases the likelihood of business cooperation in our deceptive trade and antitrust investigations. Bureau of Consumer Protection (BCP) is a unique agency in its investigatory and law enforcement capacity.

From the Bureau of Consumer Protection representatives:

*Pursuant to NAC 239.699(1), a state agency shall take such measures as are necessary to ensure that the records in its legal custody are protected from unlawful removal, misuse, damage, alteration, destruction or loss. Given the nature of its records, BCP believes that 2 years is an appropriate minimum retention period to protect its investigative, administrative, and litigation case files from unlawful misuse or loss, e.g. due to a security breach. BCP is unique among AG's office bureaus in that it frequently handles large volumes of pre-litigation correspondence and discovery from third party corporations and individuals which may include confidential information as well as protected trade secrets. The same records are also frequently made confidential under various state laws. In addition to common law privileges, the records gained through an investigation in BCP's files is, and will remain, exempt from freedom of information law requests because of its protected confidential status under NRS 598.0964(1) or NRS 598A.110. As a means to encourage cooperation by third parties in its investigations, third parties are assured by BCP's ability to promise that sensitive documents will be retained only so long as needed and destroyed as soon as possible following the close of an action or investigation per the retention schedule.*

*BCP keeps and maintains its files and BCP does not represent individual or institutional clients. Rather, it initiates investigations or actions to enforce state deceptive and unfair trade laws and to protect the interests of Nevada consumers and businesses generally. As noted, much of the records collected in these enforcement actions are not subject to public view or review under state common law and confidentiality laws.*

*As a legal and practical matter, a 2-year record retention requirement will better enable BCP to save costs and resources by disposing of unneeded records, including confidential and trade secrets, paper and/or electronic files per the retention schedule. Importantly, the shortened storage time would reduce the risk of a security breach which might lead to the exposure of highly sensitive and confidential information. A longer retention period increases the risk that records, including third party records, could be mishandled or subject to electronic infiltration.*

D. Title: *Request for Opinion – Legal Opinions*

RDA: 2017001

**Description:**

*This record series documents Attorney General Opinions and letters of advice (NRS 228.150). This series may include but is not limited to: requests for opinions, informal or formal opinions, letters of advice, related correspondence and similar documents.*

**Authorized Retention:**

*Retain for four (4) calendar years from the end of the calendar year in which the opinion was dated.*

**Recommended Disposition:**

*Permanent: Transfer to Archives*

**NSLAPR staff recommendation:**

The retention period meets administrative, archival, and legal needs.

**Agency review:**

The appraisal is supported by Attorney General's Office, Records Officer.

**Justification for New RDA 2017001:**

A current schedule does not exist for this record series. A review by State Archives has determined that legal opinions and letters of advice have historical and archival value. A retention of four calendar years is being recommended to correspond with the retention for RDA:1999069 "Open Meeting Law Complaint Files" and RDA 2016031 "Open Meeting Law Opinions".

E. Title: *Request for Opinion – No Opinion Issued*

RDA: 2017002

**Description:**

*This record series documents requests for Attorney General Opinions and letters of advice but no opinion or letter of advice was issued (NRS 228.150). This series may include but is not limited to: requests for opinions, related correspondence and similar documents.*

**Authorized Retention:**

*Retain for one (1) calendar year from the end of the calendar year in which the request was dated.*

**Recommended Disposition:**

*Destroy Securely*

**NSLAPR staff recommendation:**

The retention period meets administrative, and legal needs.

**Agency review:**

The appraisal is supported by Attorney General's Office, Records Officer.

**Justification for New RDA 2017002:**

A current schedule does not exist for this record series. A one-year retention is recommended to match RDA: 2010033 "Administrative: Correspondence Files Routine Business" on the general schedule.

F. Title: *Legal Case Files - Historical*

RDA: 2017003

**Description:**

*These records document the civil cases and petitions for Judicial Review under the Attorney General's care (See NRS 228.160(1)(a)) which have historical and/or archival value. Case types can include but are not limited to: water rights, tribal, mining, grazing rights, nuclear, cases that went before the Supreme Court and any precedent setting decisions. The record may contain but is not limited to: court documents, extraditions, depositions and similar documents, legal research material, discovery and discovery responses, photos, maps, tapes, and microfilm, supportive documentation, related correspondence and notes.*

**Authorized Retention:**

*Retain for seven (7) calendar years from the end of the calendar year of the date in which the final disposition was made.*

**Recommended Disposition:**

*Permanent: Transfer to Archives*

**NSLAPR staff recommendation:**

The retention period meets administrative, archival, and legal needs.

**Agency review:**

The appraisal is supported by Attorney General's Office, Records Officer.

**Justification for New RDA 2017003:**

A current schedule does not exist for this record series. A review by State Archives has determined that the current record series for "Legal Case Files" (RDA 1990150) permits records of historical/archival value to be destroyed. A retention of seven calendar years is being recommended to correspond with the retention for "Legal Case Files".

**G. Title: *Report of Multiple Sale or Other Disposition of Pistols and Revolvers***

**RDA: 2017004**

**Description:**

*This record series is used by licensees to report all transactions in which an unlicensed person acquired two or more pistols or revolvers or any combination of pistols or revolvers totaling two or more at one time during five consecutive business days. In accordance with 18 USC 923(g)(3)(A), licensees are required by federal law to send ATF form 3310.4 to the Office of the Attorney General. The record may contain but is not limited to: the form and any record of the contents thereof.*

**Authorized Retention:**

*Retain for no more than twenty (20) days from the date the form is received.*

**Recommended Disposition:**

*Destroy Securely*

**NSLAPR staff recommendation:**

The retention period meets administrative and legal needs.

**Agency review:**

The appraisal is supported by Attorney General's Office Records Officer.

**Justification for New RDA 2017004:**

A current schedule does not exist for this record series. The retention is set per 18 USC 923(g)(3)(B), "destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received".

**Discussion and Vote:**

The proposals in Attachment B were approved as presented. The motion was made by Kathryn Etcheverria and the second was by Sarah Bradley. The vote was unanimous.

## 5: Attachment C. Proposed Modification RDAs for Agency Specific Records Retention Schedules

### 1. Health and Human Services, Health Care Financing and Policy

A. Title: *Third Party Hospital Contracts: Review*

RDA: 1989049

#### **Description:**

This record series consists of ~~copies of~~ contracts sent to the Division in accordance with NRS 439B.420 (10) and NAC 439B.480 & 439B.490. They are ***reviewed by the Division***, to determine whether prohibited contracts and agreements have been made and whether a hearing should occur. The files may consist of but are not limited to: ~~Copies of~~ contracts between hospitals (and related entities) and health care practitioners with supportive documentation (See NAC 439B.470 (2)), and; ~~R~~related correspondence.

#### **Authorized Retention:**

Retain ~~these records~~ for a period of three (3) calendar years from the ***end of the calendar year in which the date of receipt final determination was made.***

#### **Recommended Disposition:**

Destroy Securely

#### **NSLAPR staff recommendation:**

The retention period meets administrative and legal needs.

#### **Agency review:**

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

#### **Justification for Modification of RDA 1989049:**

The contracts are from third party and reviewed by the agency. NRS 439B.420(10) allows the Director of DHHS to acquire copies of the referenced contracts. The Division is not a party to the contracts. The addition of “end of the calendar year in which” and “final determination was made” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

### 2. Attorney General's Office

A. Title: Legal Case Files: *Misdemeanor and Petitions*

RDA: 1990150

#### **Description:**

These records document the ~~civil cases~~ ***misdemeanor and petitions for Judicial Review*** under the Attorney General's care (See NRS 228.160 (1)(a)). The record may contain but is not limited to: ~~copies of~~ court documents, including extraditions,; depositions and similar documents,; legal research material,; ***discovery and discovery responses,; photos, maps, tapes, and microfilm,*** which may be pertinent to the case; supportive documentation ~~related to the case,~~ and; related correspondence and notes.

**Authorized Retention:**

~~Retain these records, for cases litigated: for a period of seven (7) calendar years from the *end of the calendar year of the in which the final disposition was made.* date of final disposition. For cases settled out of court or dismissed: for a period of seven (7) years from the date of last action. For cases where the Attorney General withdrew or other legal counsel was appointed: transfer all related records to the appointed legal counsel.~~

**Recommended Disposition:**

~~Review for Historical Value~~ *Destroy Securely*

**NSLAPR staff recommendation:**

The retention period meets administrative and legal needs.

**Agency review:**

The appraisal is supported by Attorney General’s Office, Records Officer.

**Justification for Modification of RDA 1990150:**

The description is being modified to match their current processes this series now covers only misdemeanor and petitions historical case files will now be under series number RDA 2017003 “Legal Case Files: Historical”. The title change is a clarification showing that the criminal case files are not included, they are covered in the next RDA 1998001 “Legal Case Files: Felonies Criminal” that also includes a title clarification. All cases are kept for seven calendar years regardless of whether it was litigated or transferred. This series contains confidential information and must be destroyed securely. (NRS 453A.700). Destroy these confidential records in a secure manner that will prevent reconstruction of the information (See NAC 239.722).

**B. Title:** Legal Case Files: ~~Felonies~~ *Criminal*

**RDA:** 1998001

**Description:**

This record series documents ~~and administrates~~ the cases to which the state is a party (see NRS 228.160) including Habeas Corpus and prison escapes. The files may include, but are not limited to: ~~G~~ general correspondence, internal memos and attorney notes; ~~Unfiled motions,~~ petitions, offers of judgment, etc.; copies of law enforcement records including; ~~crime reports, police reports,~~ investigative reports, waiver of rights forms, witness statements, evidence reports, transcripts of questioning, etc.; copies of court records, including: motions, pleadings, decrees, petitions, transcripts of proceedings, depositions, interrogatories, responses, etc. and; copies of photos, maps, tapes, microfilm, etc. which may be pertinent to the case.

**Authorized Retention:**

~~Retain the records for the following periods: Cases litigated: a period of seven (7) calendar years from the *end of the calendar year in which date of the final disposition or last action was made.* and then transfer to the State Archives. Cases settled out of court or dismissed: a period of seven (7) calendar years from the date of last action, and then transfer to the State Archives. Cases where the Attorney General withdrew or other legal counsel was appointed: transfer all related records to the appointed legal counsel, and then transfer to the State Archives seven (7) calendar years from the date of final disposition. Any notes retained may be disposed of when no longer administratively useful. All other records, such as research and working papers, may be purged and disposed of ninety (90) days from the date of the final disposition or action of the case.~~

**Recommended Disposition:**

Permanent: Transfer to Archives

**NSLAPR staff recommendation:**

The retention period meets administrative, archival, and legal needs.

**Agency review:**

The appraisal is supported by Attorney General’s Office, Records Officer.

**Justification for Modification of RDA 1998001:**

The description is being modified to match their current processes. All criminal cases are kept for seven calendar years regardless of whether it was litigated or transferred before being transferred to State Archives.

**C. Title:** Open Meeting Law Opinions

**RDA:** 2016031

**Description:**

This record series documents the final action taken on investigations conducted or referred for consideration of possible legal action specifically dealing with violations of the Open Meeting Law in NRS Chapter 241. The files consist of the opinion, which includes a determination of no violation, or findings of fact, and conclusions of law under NRS Chapter 241.

**Authorized Retention:**

Retain for ~~ten (10)~~ **four (4)** calendar years from *the end of the calendar year in which final opinion was given.* ~~the date of the opinion.~~

**Recommended Disposition:**

Permanent: Transfer to Archives

**NSLAPR staff recommendation:**

The retention period meets administrative, archival and legal needs.

**Agency review:**

The appraisal is supported by Attorney General’s Office, Records Officer.

**Justification for Modification of RDA 2016031:**

After additional review, it was determined that the Open Meeting Law Opinions should retained for the same time-period as the “Open Meeting Law Complaint Files” (RDA:1999069). The State Archivist is aware of the change and has approved the shortened retention period.

<p><b>Discussion and Vote:</b></p> <p>The proposals in Attachment C were approved as presented. The motion was made by Sara Martel and the second was by Kathryn Etcheverria. The vote was unanimous.</p>
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## 6: Attachment D. Proposed Deletion RDAs for Agency Specific Records Retention Schedules

### 1. Attorney General's Office

A. **Title:** Bankruptcy Pleadings

**RDA:** 1994061

**Description:**

~~This record series is used to document and monitor bankruptcy proceedings in which the Department of Taxation and the Attorney General have interest. The files may contain: memos and related correspondence, spreadsheets for individuals and/or a business from the Dept. of Taxation, and copies of the following US Bankruptcy Court records: reports, orders, Request for Hearing Notice, amendments, replies, motions, Proof of Claims, disclosure statements, reorganization plans, Notice of Entry of Judgment, stipulations and dismissals.~~

**Authorized Retention:**

~~Retain for a period of two (2) calendar years from the date of close of the case (notice of entry of judgment, dismissal, etc.).~~

**Recommended Disposition:**

~~Destroy Securely~~

**NSLAPR staff recommendation:**

Delete this RDA

**Agency review:**

The appraisal is supported by Attorney General's Office Records Officer.

**Justification for Deletion of RDA 1994061:**

A review by the Office of the Attorney General determined that these records should be combined with RDA 1990150 "Legal Case Files" and maintained for the same retention of seven years.

B. **Title:** Consumer Affairs Case File: Anti-Trust

**RDA:** 2007024

**Description:**

~~This record series is used to document the antitrust proceedings handled by the Bureau (See NRS 598A.070). The files may contain, but are not limited to, documentation of: (a) investigations, (b) court actions, (c) confidential documents received from entities and/or individuals, and (d) legal and industry research and similar documentation.~~

**Authorized Retention:**

~~For cases investigated, litigated and/or settled out of court: retain the records listed under (a) and (b) in the description for a period of six (6) years from the final action of the case. For cases transferred to other jurisdictions (such as a district attorney or the federal government): transfer all documents to the appointed legal counsel. Documents listed under (c) in the description may be either destroyed or returned to the entity or individual upon the final action of the case. Documents described under (d) in the description may be purged from the file when no longer needed.~~

**Recommended Disposition:**

~~Destroy Securely~~

**NSLAPR staff recommendation:**

Delete this RDA

**Agency review:**

The appraisal is supported by Attorney General's Office, Records Officer.

**Justification for Deletion of RDA 2007021:**

A review by the Office of the Attorney General determined that these records should be combined with RDA 2018001 "Bureau of Consumer Protection Case Files" and maintained for the same retention of two (2) calendar years.

**C. Title:** ~~Consumer Affairs Case File: Federal Energy Regulation Commission~~      **RDA:** 1988252

**Description:**

~~These records document cases involving the Federal Energy Regulation Commission. The record may include, but is not limited to: Copies of court documents (petitions, motions, transcripts, etc.) and related material and, Related correspondence.~~

**Authorized Retention:**

~~Retain these records for a period of six (6) calendar years from the date of final disposition, final action, withdrawal or dismissal. For cases where the Attorney General withdrew or other legal counsel was appointed: transfer all related records to the appointed legal counsel. Any notes retained may be disposed of when no longer administratively useful.~~

**Recommended Disposition:**

~~Destroy~~

**NSLAPR staff recommendation:**

Delete this RDA

**Agency review:**

The appraisal is supported by Attorney General's Office, Records Officer.

**Justification for Deletion of RDA 1988252:**

A review by the Office of the Attorney General determined that these records should be combined with RDA 2018001 "Bureau of Consumer Protection Case Files" and maintained for the same retention of two (2) calendar years.

**D. Title:** ~~Consumer Affairs Case File: Nevada Public Utilities Commission~~      **RDA:** 1988250

**Description:**

~~These records document cases involving utilities before the Nevada Public Utilities Commission. The record may include, but is not limited to: Copies of hearing documents (petitions, motions, transcripts, etc.) and related material and, Related correspondence.~~

**Authorized Retention:**

~~Retain these records for a period of six (6) calendar years from the date of final disposition, final action, withdrawal or dismissal. For cases where the Attorney General withdrew or other legal counsel was appointed: transfer all related records to the appointed legal counsel. Any notes retained may be disposed of when no longer administratively useful.~~

**Recommended Disposition:**

~~Destroy~~

**NSLAPR staff recommendation:**

Delete this RDA

**Agency review:**

The appraisal is supported by Attorney General's Office, Records Officer.

**Justification for Deletion of RDA 1988250:**

A review by the Office of the Attorney General determined that these records should be combined with RDA 2018001 "Bureau of Consumer Protection Case Files" and maintained for the same retention of two (2) calendar years.

**E. Title:** ~~Correspondence File - Official~~

**RDA:** 2003006

**Description:**

~~These records document the correspondence files generated by attorney general staff and includes letters, legal advice, legal opinions, and other types of correspondence generated while performing the official duties of the Office of the Attorney General.~~

**Authorized Retention:**

~~Retain these records for a period of seven (7) calendar years from the end of the calendar year to which they pertain.~~

**Recommended Disposition:**

~~Permanent: Transfer to Archives~~

**NSLAPR staff recommendation:**

Delete this RDA

**Agency review:**

The appraisal is supported by Attorney General's Office, Records Officer.

**Justification for Deletion of RDA 2003006:**

A review determined that there is not a requirement for the Office of the Attorney General to maintain these records for seven years before transferring to the Archives. The agency will follow the General Schedule RDA 2010034 "Correspondence Files Official" and maintaining the records for four years before transferring. The State Archivist has reviewed and is ok with receiving the records in line with the General Schedule.

**F. Title:** ~~Correspondence File--Routine~~

**RDA:** 2003076

**Description:**

~~This record series consists of routine files created and/or received by attorney general staff and are used for routine office functions and/or information retrieval. The files may consist of: routine office and inter-agency correspondence of a transitory and/or housekeeping nature (announcements of staff meetings, requests for supplies etc.), general information requests, transmittal letters, copies of court documents (the original of which is found elsewhere) and similar types of records.~~

**Authorized Retention:**

~~Retain only as long as the record holds value to the agency. It is recommended that they be retained no longer than three (3) years and may be purged at any time.~~

**Recommended Disposition:**

~~Destroy~~

**NSLAPR staff recommendation:**

Delete this RDA

**Agency review:**

The appraisal is supported by Attorney General's Office, Records Officer.

**Justification for Deletion of RDA 2003076:**

A review determined that there is not a requirement for the Office of the Attorney General to maintain these records for three years before destruction. The agency will follow the General Schedule RDA 2010033 "Correspondence Files Routine Business" and maintaining the records for one year before destruction.

**G. Title:** ~~Legal Case Files: Nuclear Projects~~

**RDA:** 2001008

**Description:**

~~This record series administers and documents each civil case dealing with nuclear projects to which the state or any officer of the state in his official capacity is a party or is monitoring as an interested party (see NRS 160(1)(a) & (b)). These files may contain, but are not limited to: (A) Copies of court documents such as; motions, pleadings, orders, judgments and decrees, memorandums, replies, affidavits, jointers, exhibits, appendixes, complaints, summons, depositions, transcripts and similar documentation, and (B); All related documentation such as attorney's notes, reports, correspondence, and any other information pertinent to the case.~~

**Authorized Retention:**

~~Retain this record series for a period of twenty-five (25) calendar years after the case is resolved or no longer monitored.~~

**Recommended Disposition:**

~~Permanent: Transfer to Archives~~

**NSLAPR staff recommendation:**

Delete this RDA

**Agency review:**

The appraisal is supported by Attorney General’s Office Records Officer.

**Justification for Deletion of RDA 2001008:**

A review determined that there is not a requirement for the Office of the Attorney General to maintain these records for twenty-five years before transferring to the Archives. The series will follow the new RDA 2017003 “Legal Case Files – Historical” and maintaining the records for seven years before transfer. The State Archivist has reviewed and agrees to the change lowering the retention time.

**H. Title:** Legal Research Files

**RDA:** 2008033

**Description:**

~~These records are used to do research for the production of legal opinions or give advice to clients. The record may contain but is not limited to: Requests for opinions/advice; Copies of laws, regulations, court cases, etc.; Drafts of opinions/advice; Related correspondence and; Similar documents.~~

**Authorized Retention:**

~~Retain these records for a period of ten (10) calendar years from the completion of the research.~~

**Recommended Disposition:**

~~Destroy~~

**NSLAPR staff recommendation:**

Delete this RDA

**Agency review:**

The appraisal is supported by Attorney General’s Office, Records Officer.

**Justification for Deletion of RDA 2008033:**

These are considered non-records and should not be on the retention schedule. Any records that are not copies are maintained according to their respective retention schedules.

<p><b>Discussion and Vote:</b></p> <p>The proposals in Attachment D were approved as presented. The motion was made by Sara Martel and the second was by Kathryn Etcheverria. The vote was unanimous.</p>
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**7: Attachment E. Proposed New, Modification, and Deletion of RDAs for General Records Retention Schedule**

**1. Proposed New: General Records Retention Schedule**

**A. Title:** *Administrative: Unmanned Aerial Vehicle (UAV) Recordings – Non-Event*  
**RDA:** 2018027

**Description:**

*This record series may consist of recorded images, sound waves, odors, and associated data captured by Unmanned Aerial Vehicles (UAV). Public agencies which have registered an UAV with the Department of Public Safety (NRS 493.115 and 493.118) may operate the UAV for one or more of the following public purposes: fire services, emergency medical services, protection of a critical facility that is public property, search and rescue operations, preparation for, response to and recovery from emergencies and disasters, communications relay and delivery, surveying and mapping, inspection of public land and infrastructure, inspection and testing of hazardous materials, inspection and evaluation of natural resources, inspection and evaluation of wildlife, inspection and evaluation of agricultural and environmental conditions, training of employees of a public agency, research and development of unmanned aerial vehicles, maintenance and testing of unmanned aerial vehicles, air quality testing, and evaluation of meteorological conditions.*

**Authorized Retention:**

*Transfer event recordings to the appropriate record series for the event documented and retain in accordance with the approved schedule for that record series. Retain non-event recordings for a minimum period of thirty (30) days but no longer than 180 days.*

**Recommended Disposition:**

*Destroy Securely*

**NSLAPR staff recommendation:**

The retention period meets administrative and legal needs.

**Justification for New RDA 2018027:**

A current schedule does not exist for this record series. This series is intended for non-law enforcement, non-event recordings, to allow agencies to disposition any non-event, and/or training recordings. In accordance with NRS 493.020 "Public agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.

Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems, Privacy Act of 1974 (5 U.S.C. 552a), NRS 493.112, NAC 239.165

**B. Title: *Law Enforcement: Unmanned Aerial Vehicle (UAV) Recordings – Non-Event*  
RDA: 2018028**

**Description:**

*This record series may consist of recorded images, sound waves, odors, and associated data captured by Unmanned Aerial Vehicles (UAV) during law enforcement activities.*

**Authorized Retention:**

*Transfer event recordings to the appropriate record series for the event documented and retain in accordance with the approved schedule for that record series. Retain non-event recordings for a minimum period of thirty (30) days but no longer than 180 days see (5 U.S.C. 552a), NRS 493.112, NAC 239.165.*

**Recommended Disposition:**

*Destroy Securely*

**NSLAPR staff recommendation:**

The retention period meets administrative and legal needs.

**Justification for New RDA 2018028:**

A current schedule does not exist for this record series. This series is intended for law enforcement, non-event recordings, to allow law enforcement agencies to disposition any non-event, and/or training recordings.

NRS 493.112 (4) Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom: (a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and (b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems, Privacy Act of 1974 (5 U.S.C. 552a), NRS 493.112, NAC 239.165

**Discussion and Vote:**

The proposals in Attachment E were approved as presented. The motion was made by Sarah Bradley and the second was by Sara Martel. The vote was unanimous.

**8: Discussion on licensing records (Discussion Only):**

Bobbie Church informed the committee about the audit that State Records is conducting with all the state agencies who have licensing records in the General Retention Schedule and their Agency Specific retention schedules. If the agencies with agency specific retention schedules for licensing records would like to retain their record series, they will be asked to come to the State Records Committee meeting to explain why their agency needs to deviate from the General Retention Schedule. Bobbie advised the Committee that she will keep the Committee apprised of the results of the ongoing audit.

**9: Discuss future agenda items:**

Bobbie Church informed the Committee that in future committee meetings there will be items from the Board of Medical Examiners, Fire Marshal, Agriculture, Peace Officers Standards and Training (POST), Public Employees Benefits Program (PEPB), and the Division of Child and Family Services (DCFS).

**10: Public Comment**

The State Records Manager Sara Martel informed the Committee about former committee member Jeff Kintop's condition and his ongoing recovery from his surgery. She also relayed to the committee the current trainings being offered from State Records. There is training for using the

State Records Web Module and there will be Records Management Training for Local Governments in November. She also informed the Committee of negotiations State Records is entering in with the Department of Public Safety (DPS) to continue to store DPS's records in the State Records Center. Sarah Bradley also made announcement. The Attorney General's office will be hosting a training on state laws for state agencies and boards and commissions in general on Wednesday October 24<sup>th</sup>.

**12: Determine time of next meeting**

- The next meeting will be held November 14<sup>th</sup>, 2018 at 1:15 pm in the Nevada State Library and Archives Board room.

**13: Adjourn**

- The meeting was adjourned at 2:14 pm with the motion made by the Chair Kim Perondi. The vote was unanimous.