

Court Retention and Access Schedule

Office of the State Court Administrator

Updated 1/04/2024

General Schedule			
Applicable to all records custodians, including district and municipal court custodians			
Record Series	Retention Period	Remarks	Public Access
Accounting			
A. Accounts Payable	Dispose 1 year after audit		Y
B. Accounts receivable	Dispose 1 year after audit		Y
C. Alternate procurements	Useful life of the documentation	Alternate procurements prior to release or drafted but never released are work product and are not publicly accessible (AR 41)	N
D. Authorizations	Original retained by Office of Management and Budget	Authorizations for staff to sign vouchers, pick up checks, purchase equipment, input payroll, etc. Not publicly accessible for infrastructure security reasons (AR 41)	N
E. Bank Statements/deposit records	Dispose 1 year after audit	Publicly accessible except for account numbers	Y
F. Child Support payment records	Pursuant to Child Support Division of North Dakota Department of Human Services records retention schedule	Child support payment records maintained in FACSES or as ledger books are not court records and are not publicly accessible through the court. Requestors should be directed to contact the Child Support Division.	N
G. Certificate of Exempt Status	Permanent	The Sales Tax Exempt Number is available to merchants and vendors as part of the purchasing process but it is not available to the general public	Y- Certificate is available but only if sales tax exemption number is redacted

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H. Employee bonds	Pursuant to Secretary of State records retention schedule	Historical record of bonds that were in place prior to the state of North Dakota becoming self-insured are records held by the Secretary of State and are not publicly accessible through the court. Requestors should be directed to contact the Secretary of State	N
I. Equipment files			Y
J. Expense vouchers		Travel, meals, lodging or other expense reimbursement requests and supporting documentation	Y
K. Fixed Asset Inventory			Y
L. Fraud Risk Assessment		Not publicly accessible for security reasons (AR 41)	N
M. Interdepartmental billings		Information related to costs billed from one state office to another state office (transfer funds) including supporting documentation	Y
N. Judges Retirement Ledger	Permanent	Balance sheet for "old judges retirement fund under ch. 27-17" including summary of contributions and benefits	N
O. Ledgers/journals			Y
P. Membership Dues		Dues to an organization paid on behalf of a state employee	Y
Q. Purchase Card records			Y
R. Purchase orders/requisitions			Y

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S. Receipt books/remittance lists		Records related to the receipt or payment of cash	Y
T. Requests for Proposals/Requests for Information and responses to RFP or RFI	6 years from the date responses were due or from the date of notification of vendor selection	Bids/competitive solicitation responses are publicly accessible except those portions that the court has agreed are confidential because of proprietary information	Y
U. Solicitations not executed	Useful life of the documentation	Considered work product not accessible (AR 41)	N
V. Surplus Property		Information on property transferred, sold or purchased through Surplus Property	Y
W. Tax Reporting documentation		Documents publicly accessible with tax number redacted	Y
X. Year-end closing package			Y
Administration			
A. Form Masters	Retain until no longer assigned an SFN (state form number)	Original template for state forms that have been added to the executive branch Information Technology Department form schedule (does not include any forms developed by the Self-Help Center, by trial court personnel or judicial officers)	Y
B. Emergency Preparedness Plans	Retain until superseded or obsolete		N
C. Information Technology Plan	1 year following end of plan	Includes IT plans filed with executive branch IT department as required by statute	Y

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		and IT plans developed by the Court Technology Committee	
D. Insurance policies		Information relating to insurance carried by the Court or by the Office of Management and Budget on behalf of the judiciary	Y – documents publicly accessible with policy numbers redacted
E. Insurance policy application materials, claims, and supporting documentation			Y – documents publicly accessible with policy numbers redacted
F. Notary Public documentation	N/A	Application and certificate for notary public filed with the Secretary of State on behalf of court employee – refer request to Secretary of State	N/A
G. Organizational charts	Useful life of the document	Organizational charts of all types are publicly accessible except for calling tree charts for security and emergency purposes (AR 41)	Y – except for calling trees for emergency use
H. Records requests and responses	Useful life of the document		Y – with required redaction if non-public information was released
I. Reports	Useful life of document	Includes caseload reports, staffing study, and workload reports	Y – final report only
J. Travel requests and authorizations	1 year after audit		Y
K. Vendor Information	Useful life of document	Includes correspondence, brochures, product information from	Y

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		vendors for products not owned or leased by the department	
L. Public Education Materials	NDCC 54-24-09 requires materials prepared for public information to be filed with State Library Retain copies only until superseded or obsolete	Includes pamphlets, brochures, newsletters, flyers, videos, audio recordings	Y
M. Judicial Branch Training records	One year following reporting period	Mandatory Continuing Judicial Education report and related correspondence	Y
N. Judicial Branch Training Materials	One year following training	Includes agendas, attendance lists, materials provided to attendees	Y - consistent with AR 41
O. Vexatious Litigant Roster	Retain until superseded or obsolete		Y
P. Domestic Violence Advocate Roster	Retain until superseded or obsolete	Contains contact information that may create a security risk for advocates	N - original created and maintained by North Dakota Council on Abused Adults
Q. Roster of Transcript Providers	Retain until superseded or obsolete		Y
Administrative Support			
A. Communication <ul style="list-style-type: none"> • General • Transitory • Interoffice Communication • Work products (notes, drafts, preliminary data, preliminary analysis, 	Useful life of document unless otherwise noted EXCEPTION: AR 45 requires Supreme Court correspondence	General communication, unrelated to cases or formal committee action regardless of format (Includes paper, fax, email, voicemail, text	Y – unless otherwise precluded based on content ¹

¹ Non-case related correspondence that concerns the affairs of government or concerns public business or is created, sent or received as an official act of a state employee is presumptively accessible to the public absent a statute, rule, policy or court order that prohibits or limits access.

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research materials and related records)	be retained for 7 years	messages, instant messages)	
B. Telephone, fax, copier, printer logs	Useful life of document unless otherwise noted		Y - unless otherwise precluded based on content
C. Historical audio/visual materials	Useful life of materials or transfer to State Archives, depending on content		Y
D. Press releases or news stories created by court personnel	Useful life of document		Y
E. Speeches	Useful life of document or transfer to State Archives, depending on audience and content	Includes paper, audio recording or video recording	Y
F. Staff meeting minutes	Useful life of document	Minutes are internal documents for general office management purposes and are work product	N - except that correspondence or policies derived from action taken at staff meetings are publicly accessible
G. Miscellaneous	Useful life of document	Duplicates of any records submitted to or generated by the administrative office; personal office calendars, day planners, and similar items	N
Audit			
A. Audit Reports	Current year and prior year	Financial and performance audit reports from the State Auditor's Office,	Y - Final Report and support documentation; request may be

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		federal grantor, or private accounting firm; Includes working papers and support documents	referred to State Auditor as official record holder N - working papers
B. Internal Auditing Reports	If financial, retain until 1 year after formal audit, if applicable; Otherwise useful life of document		Y - unless precluded by content of document
Payroll			
A. Payroll Records	Follow federal requirements ⁱ	Includes employee payroll files (deductions forms, insurance forms, benefit forms, tax forms, etc.) and time keeping records (hours worked, leave requested and taken or denied)	N - Employee payroll forms and information Y - Salary and expenses paid Y - Time records
Human Resources/Personnel Records			
A. Personnel files	Follow federal requirements ⁱⁱ	Court System Policy 120 defines what is considered part of the personnel file	Y - As allowed under Court System Policy 120
B. Employee Medical Files (non-FMLA)	Consistent with personnel file unless an ADA, Workers Comp or similar complaint or lawsuit has been initiated	Medical information may be retained only by the Human Resources director; All medical records must be maintained separate from the employee's personnel file	N
C. Family Medical Leave Act (FMLA) records	Follow federal requirements for employment and payroll records	Medical information may be retained only by the Human Resources director; All medical records must be maintained separate from the	N

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		employee's personnel file	
D. Worker's Compensation	Dispose consistent with records retention for employee personnel files	Includes correspondence and copies of employee claims for Worker's Compensation benefits; employee medical records, written communication between court staff regarding medical condition, and related risk management reports	Y - Only after medical information is redacted; Non-redacted access may be provided only under subpoena or as part of discovery process
E. Applications for Employment	Solicited applications dispose one year after position is filled Unsolicited applications - dispose consistent with general correspondence schedule	Includes electronic applications, resumes, cover letters, transcripts, writing samples, and similar supporting documents; rating sheets and interview notes; also includes court staff correspondence with applicant	Y - Only after personal identifying information is redacted
F. Background checks/criminal history record checks	Dispose consistent with application records if not hired or consistent with personnel file if hired	Including fingerprint reports	N - no public access; applicant is entitled to copy if an adverse decision is made based upon the report
G. Hiring process/recruitment records	Useful life of document	Includes job announcements, interview questions, template for rating matrix and related bank of interview questions	Y
H. I-9 IRS Forms	Follow federal requirements ⁱⁱⁱ		N

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I. Employee Identification Cards	Shred on last day of employment		Y - employee may display as desired N - Except for security purposes, the employer may not share copy of photo ID without permission from employee
J. Employee Handbooks	Useful life of document		Y
K. Employee training materials	Useful life of document	Includes new judge and new employee orientation agendas and materials	Y
L. EEOC Investigation documents and Compliance Reports	Follow federal requirements ^{iv}		Y - after charge is disposed and after redaction of personally identifying or medical information
M. Unemployment Claims	Consistent with personnel files and payroll records		Y - after redaction of personally identifying or medical information
N. Workplace Investigations	Consistent with personnel files		N
O. Occupational Safety and Health Act (OSHA) documents	Follow federal requirements ^v	Includes any logs or reports of work-related injuries and illness, annual inspection reports, violation notices and records related to violations	Y
P. Risk Management Records and Reports	File all supporting documents with Risk Management		N - no access while investigation

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	if lawsuit is likely; otherwise maintain consistent with personnel file		pending; refer to Risk Management if documents have been transferred to that department
Q. Donated Leave Records	Individual records - consistent with employee personnel file and payroll record Reports and Spreadsheets - one year from compilation		Y - after redaction of personally identifying and medical information
R. Employee Turnover Reports	Useful life of document		Y
S. Employee Directories and Photos	Discard when superseded or obsolete		N - Internal use only
T. Reduction-in-Force records	Consistent with federal requirements ^{vi}	Includes final determination by the court, correspondence between the employer and the employee, and the justification summary written by the hiring authority	Y
U. Employee Assistance Program materials and reports	Useful life of the document		Y
V. Wage and Employment reports	Useful life of the document	Includes annual survey of government employment; Job Service Wage and Benefit Survey; Employee classification, wage and benefit surveys requested by HR consultants	Y

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Legal			
A. Court System Policy	Maintain one permanent copy of all policies in the 100 - 600 series; copies should be discarded when superseded or obsolete	Includes all adopted policies of the court system	Y
B. Interpretation of policy	Until superseded or obsolete	Includes letters and memos from staff of the state court administrator's office or the offices of the unit administrator; includes legal advice from AOC staff attorney	Y - official correspondence Y - Legal advice from staff attorneys, subject to the limitations of N.D.R.Ev. 502(d)(7)
C. Legislative drafts	Useful life of document	Work product under AR 41	N
D. Contracts, leases, and agreements	Consistent with terms of the agreement plus 1 year after audit that includes final payment under the agreement	North Dakota statutes strictly limit the information related to the bid process or in contracts that may be excluded from public disclosure	Y - after redaction of information that may be exempt from release pursuant to the agreement
E. Non-executed contracts, leases, and agreements	Useful life of the document	Work product under AR 41	N
F. Municipal Court Agreements	Life of agreement	Includes any correspondence interpreting the agreement	Y
G. Litigation case files	6 years if outside counsel; Useful life of document if Attorney General represented court	Cases against North Dakota Court System personnel or judicial officers or against the supreme court or a district court; retain only the complaint or disposition if outside counsel was used and case was filed in a	Y - refer to official record holder (AG, court of record, administrative agency)

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		court or with an administrative agency	
H. Litigation threatened, no action commenced	Consistent with general correspondence		Y
I. Clerk's Manual	Maintain one permanent copy; Discard copies when superseded or obsolete		Y
J. Business Practice Manual	Discard when superseded or obsolete		Y
K. Drug Court Manual (adult/juvenile/other)	Maintain one permanent copy; Discard copies when superseded or obsolete		Y
L. Domestic Violence Court Manual	Maintain one permanent copy; Discard copies when superseded or obsolete		Y
M. Veterans Court Manual	Maintain one permanent copy; Discard copies when superseded or obsolete		Y
N. Benchbooks (District Judge/Municipal Judge/Magistrate/Domestic Violence) Benchcards (all)	Discard when superseded or obsolete	Work product under AR 41	N
O. User Guides and Reference Manuals created by a non-court entity	Discard when superseded or obsolete	Reference Manuals include Juvenile and Adult Interstate Compact benchbooks and Science for Judges benchbook	Y
P. Law Clerk Manuals	Discard when superseded or obsolete	Work product under AR 41	N - internal use only

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Q. Court Recorder Manuals	Discard when superseded or obsolete		Y
R. Court Reporter Manuals	Discard when superseded or obsolete		Y
Reports/Publications			
A. Annual Report	Retain one copy permanently (State Library copy can serve this purpose) Discard copies when superseded or obsolete	Includes full annual report and separate juvenile court annual report NDCC 54-24-09 requires report to be filed with State Library	Y
B. Program Evaluation Reports and any formal judicial system response to findings	Retain one copy permanently (State Library copy can serve this purpose) Discard copies when superseded or obsolete	NDCC 54-24-09 requires report to be filed with State Library	Y
C. Docket Currency Report	Discard after Chief Justice has reviewed	Work product under AR 41; Includes full report and any supporting documentation; data analysis, charts, and correspondence related to the report or any case on the report	N
D. Workload reports for judges, clerks, and juvenile staff	Retain until superseded or obsolete		Y
E. Caseload Management Reports	Useful life of the document	Work product under AR 41	N
F. Judge Recusal or Disqualification Reports	Useful life of the document	Work product under AR 41	N
G. Race Data Reports	Useful life of the document	Aggregate race data not accessible under AR 61 unless it is part	N

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		of a final report on a policy initiative	
H. Grant Reports	Federal grants - 3 years from date of last report; otherwise, consistent with grantor requirements		Y
I. Miscellaneous reports	Useful life of the document A copy of any report published for public information must be filed with State Archives (NDCC 54-24-09)	Reports requested by court employees, legislature or executive branch, state agencies or members of the public	Y - unless access to data is restricted by statute, rule or policy
J. Committee Reports	Consistent with record retention for each committee A copy of any report published for public information must be filed with State Archives (NDCC 54-24-09)		Y
K. Annual Court Security Report	Retain one permanent copy	Transfer to state archives	Y
L. Annual Report on Blocked E-Mails	File one copy with Supreme Court		Y
Supreme Court Committees, Commissions, Boards, Workgroups, Task Forces and ad hoc groups convened by the Supreme Court or Chief Justice for the purpose of advising on an issue	Transfer to state archives after 5 years	Includes Agendas and meeting materials and minutes; excludes audio and video recordings of meetings EXCEPTION: Due to volume, applications	Y

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		submitted to the Court Facilities Improvement Grant Advisory Committee may be purged 1 year after fiscal audit period for each grant cycle	
Audio and Video recording of meetings	Delete after minutes have been completed	Audio and video recordings of meetings are temporary files made for the purpose of aiding staff in drafting minutes of the meeting	Y
Income Tax Set-Off	Dispose 1 year after audit	Documents and recordings created or received under AR 55	N - Income tax forms and supporting documents Y - all other documents, with SSN/Tax Payor ID and financial account numbers redacted
Drug Court	Follow retention schedule for contracts and grants; All other records dispose after 3 years	Includes contracts, manuals, reports, general correspondence NOTE: Individual case records are retained by the district or juvenile court consistent with applicable AR 19 requirements	Y
Drug Court evaluation records	Retain consistent with AR 19 and until program	Includes documents and information on individuals compiled	N - no public access

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	evaluation completed	by the program administrator for evaluation purposes	Access allowed for evaluation purposes under Juv.R.P.19(b)(6) once contract is finalized
Veterans Court	Follow retention schedule for contracts and grants; All other records dispose after 3 years	Includes contracts, manuals, reports, general correspondence NOTE: Individual case records are retained by the district court consistent with applicable AR 19 requirements	Y
Domestic Violence Court	Follow retention schedule for contracts and grants; All other records dispose after 3 years	Includes contracts, manuals, reports, general correspondence NOTE: Individual case records are retained by the district court consistent with applicable AR 19 requirements	Y
Mental Health Court	Follow retention schedule for contracts and grants; All other records dispose after 3 years	Includes contracts, manuals, reports, general correspondence NOTE: Individual case records are retained by the district court consistent with applicable AR 19 requirements	Y
Guardianship Program	Supporting documents for case review	Supporting documents include documents and information on individuals compiled	N - supporting documents

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	<p>reports - retain for 5 years</p> <p>Research materials related to program management - useful life of document</p> <p>Program reports (separate from Court's Annual Report) - file with state archive</p> <p>Program information documents - retain until superseded or obsolete</p>	<p>by the program administrator for evaluation purposes</p>	<p>Y - program brochures; statistical reports and similar materials</p>
<p>Family Law Mediation Program</p>	<p>Case referrals and related correspondence - 1 year after closing form received</p> <p>Closing Forms - Discard after program evaluation completed</p> <p>Research material related to program management - useful life of document</p> <p>Program reports (separate from Court's Annual Report) - file with state archive</p>		<p>Y</p>

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	Program information documents - retain until superseded or obsolete		
Rural Attorney Recruitment Program	<p>Research material related to program management - useful life of document</p> <p>Program reports (separate from Court's Annual Report or annual report to Legislative Council) - file with state archive</p> <p>Program information documents - retain until superseded or obsolete</p>		Y
Judicial Improvement Program	<p>Research material related to program management - useful life of document</p> <p>Program reports and correspondence related to response rates and survey process</p> <p>Program information documents - retain until superseded or obsolete</p>	Individual judge reports are not filed with the court system but are created and retained by the independent entity contracted to manage the program pursuant to AR 48	Y

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Self-Help Center	Forms and Instructions - 2 years after final or revised version Contact logs - useful life of document Program reports (separate from Court's Annual Report) - file with state archive Correspondence - useful life of document		Y - after redaction of personal identification data of patrons
Law Library	Contact logs - useful life of document Correspondence - useful life of document Inventory of holdings		Y - after redaction of personal identification data of patrons
District Court Administrative Records			
A. Juror Records - Individual	3 years from creation date of master list	Includes correspondence and supporting records regarding disqualification, excusal or postponement from service or failure to respond to questionnaire or summons	N
B. Juror Records - aggregate	3 years from creation date of master list	Includes master list; individual trial lists; reports and	N

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		documents used for voir dire	
C. Juror Satisfaction Survey	Useful life of the document	Surveys completed by seated jurors regarding their experience with jury service	Y
D. Jury Plan	Retain until superseded or obsolete	Standard 10(C) of the Appendix to AR 9; Original filed with Clerk of the Supreme Court	Y
E. Search Warrants	3 years from receipt if no case exists; otherwise retain consistent with case record		Y - if executed N - if unexecuted or if order prohibiting access has been filed
F. Governor's Proclamation	Retain until superseded or obsolete	Original created and retained by Governor's office	Y
G. Interpreter Applications and Rosters	Useful life of the document		Y
H. Roster of Court-Appointed Counsel	Useful life of the document		Y
I. Vexatious Litigant Roster	Retain until superseded or obsolete	AR 58; Original roster created and retained by Office of the State Court Administrator	Y
J. Domestic Violence Advocate Roster	Retain until superseded or obsolete	AR 34; Original roster maintained by Council on Abused Adult Resources	Y - with redaction of contact information
K. Court Security Plans	Retain until superseded or obsolete		N
L. Presiding Judge Standing Orders	If administrative only - Retain until superseded or obsolete If case related then file a copy in		Y

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	each effected case and retain original consistent with case record retention schedule		
M. Caseflow Plans	Retain until superseded or obsolete		Y
N. District Judge Meeting Agenda and Materials	Useful life of the documents	Work product	No public access to meetings or materials; Public access to policies or other documents that result from action taken
O. Clerks Meeting Agenda and Materials	Useful life of the documents	Work Product	No public access to meetings or materials; Public access to policies or other documents that result from action taken
P. Clerks/Administrative Office staff training plans and documents	Useful life of the documents		Y - consistent with access to personnel records if training is part of corrective action

ⁱFLSA and FMLA require payroll records be retained for a minimum of 3 years

ⁱⁱEEOC requires all state and local government employment records be retained a minimum of 2 years; employment records for an involuntarily terminated employee must be retained for a minimum of 2 year from the date of termination

ⁱⁱⁱ IRCA requires I-9 forms must be retained for 3 years after date of hire or one year after the date their employment ends, whichever is later

^{iv} EEOC requires any action brought under Title VIII, the ADA (Americans with Disabilities Act) or GINA (Genetic Information Non-discrimination Act) be retained until the date of final disposition of the charge or legal action or until the statutory period to bring a legal action has expired.

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^v OSHA requires records be retained for a minimum of 5 years

^{vi} Actions under the EEOC, ADA, GINA and other federal and state anti-discrimination laws may follow a reduction-in-force so records must be maintained for a minimum of 3 years following the involuntary separation of an employee under a RIF