

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
POLICIES AND PROCEDURES FOR DISPOSAL
OF ELECTRONICALLY TRANSMITTED RECORDS**

The Arizona Supreme Court approved a Record Retention and Disposition Schedule for use by the Administrative Office of the Courts, Office of the Presiding Disciplinary Judge, Office of the Chief Justice, and Supreme Court Staff Attorneys (“Schedule”). The Schedule specifies a retention period for various categories of records, typically periods of 1, 3, or 5 years before the records are to be disposed. Since many administrative records are transmitted electronically, employees may retain e-mail messages for up to five years before they are disposed of automatically. A limited number of categories require retention for more than 5 years, and records in a few, unique categories are to be transferred to the Director of the Arizona State Library Archives and Public Records to be retained permanently. Employees responsible for records identified as in categories that are to be retained for more than 5 years are to store those records outside of the e-mail system.

A. Definitions

The following terms have the same definitions in this document as approved by the Arizona Supreme Court in the Record Retention and Disposition Schedule for use by the Administrative Office of the Courts, Office of the Chief Justice, and Supreme Court Staff Attorneys (“Schedule”). AO 2025-86.

“Records” means any documentary materials, regardless of physical form or characteristic, such as electronic records, email, and information or images maintained in database or electronic document repository.

“Reference Value” means the value a record may serve in providing historical, legal, financial, legislative, or other background on an issue such as history of an on-going program; receipt of notice; or facts and opinions underlying a purchase or policy decision.

“Retention Period” means the period of time during which records must be kept before they may be disposed of, usually a period of years and sometimes contingent upon an event.

B. Automated Disposal

Records maintained in the e-mail system for more than 5 years from the date of creation or receipt will be disposed of through an automated process. The Information and Technology Division will develop and implement an automated process for the disposal of records in the e-mail system so that individual users are relieved of that task.

C. Limited Exceptions to Automated Disposal

The Information and Technology Division is to exempt records from automated disposal under the following, limited exceptions:

Litigation Hold. E-mail and electronic records subject to a litigation hold must not be disposed of until the litigation hold is released. A litigation hold may be placed due to current or reasonably anticipated litigation, audit, government investigation, or other such matter that suspends the normal destruction or other disposition of particular records.

User Exempt. E-mail records that a user designates as “never delete” using available functionality in the e-mail system. Only records that the user deems necessary to keep as a resource in the e-mail system for more than 5 years may be maintained in this manner.

Best Interest. The Administrative Director or designee may direct limited exceptions in the best interest of the state.

D. Records May Be Discarded Prior to 5 Years

An e-mail user may discard from their mailbox an electronic record prior to 5 years so long as the retention period for the record has been satisfied. For example, the Schedule provides that general correspondence of a routine nature may be discarded after the reference value has been served. The user may choose to retain the record in their mailbox to be automatically disposed of after 5 years. If they choose to do so, however, they may discard the message after the reference value has been served in accordance with the Schedule.

E. Records to Be Retained Outside of the E-Mail System

The Supreme Court adopted retention periods of 5 years or less for most categories of records maintained by the Administrative Office of the Courts, Office of the Presiding Disciplinary Judge, and the Supreme Court Staff Attorneys. Records in those limited categories that are to be retained for more than 5 years, such as annual reports required by statute, must be retained in a location outside of the e-mail system, such as SharePoint.

To achieve operational efficiency, supervisors of employees that maintain categories of records that must be retained for more than 5 years are to be familiar with the Schedule. They must implement practices so that staff efficiently identify records that must be retained for more than 5 years and maintain those records in a location outside of the e-mail system.