

Remaining GJC Records Retention/Disposition Schedule Issues for Consideration; ACJA § 3-402

1. Should “grand jury exhibits” be set forth as a separate category under “grand jury records,” with a designated retention period, or do grand jury exhibits fall under the existing “exhibits – criminal” category?
2. Should the schedule expressly provide that CMS data is to be destroyed at the same time as the case file is destroyed? (MH Note: This can probably be added as an element to the definition of *case file*.)
3. (MH Note: This issue is probably already covered with the revision of the clerk and court financial sections that provide a 5-year retention period.)
Should a category be added to the schedule to accommodate A.R.S. § 44-323(A). Retention of Records (Title 44 is Trade & Commerce), which provides:

A holder that is required to file a report pursuant to section 44-307 [Report of Abandoned Property] shall maintain the records that contain the information required to be included in the report for five years after the holder files the report, except as provided in subsection B of this section or unless the department adopts a rule that allows for a shorter period of time.

Is this needed to address the underlying records for FARE funds that escheat to the Dept. of Revenue?

4. Should additional review by the PJ be required prior to the destruction of all or any particular case records?
5. What should the retention period be for *e-filed* case documents that are marked *deficient* by the clerk and not made part of the case file? A party probably has the right to appeal the clerk’s decision.
6. Should a GJC be required to retain its response to a bulk data request? Is this an administrative record? The current schedule is not clear on this point.
7. The Electronic Records Advisory Committee suggested that a 4th column be added to the schedule, explaining the reason each particular retention period was established. (MH Note: Since we don’t really have enough physical space to add a fourth column to the page, we have sought to address this concern by adding footnotes.)
8. Conciliation court records are not identified in the retention schedule. Should they be?

9. Judge Norm Davis, Superior Court in Maricopa County, advised AJC in Dec. 2013 that he believes a 50-year retention period for case records is insufficient for resolving property title questions.
10. Should *polygraph examination data and reports* be added to the “Human Resource Records” section of the schedule? The Human Resource Records section currently lists many different types of human resource records, but not polygraph data, etc. A.R.S. § 38-1101(O), which became effective in 2010, provides:

38-1101. Law enforcement officers; probation officers; right to representation; right to evidence on appeal; change of hearing officer or administrative law judge; burden of proof; polygraph examinations; definitions

O. Except for a preemployment polygraph in which an applicant was not hired or in the case of an active investigation or an appeal, the data and reports from a polygraph examination of a law enforcement officer or probation officer shall be destroyed as soon as practicable three years after the date of appointment or employment but not more than ninety days after that date.