MINNESOTA
JUDICIAL BRANCH

District Court Record Management

Introductory Information and Retention Schedule

SCAO
8/1/2008

A. History of the District Court Record Management Process in Minnesota

During the years 1981 and 1982 a Record Retention Committee (the Committee), composed of court and district administrators, judges, record administrators and archivists, addressed the retention requirements of various court records and file series. Upon determining retention periods for the various court records, the Committee discussed its recommendations with court administrators and judges throughout Minnesota. When a consensus was reached the Committee sought and received approval for the first District Court Record Retention Schedule from the Minnesota Conference of Chief and Assistant Chief Judges (CCJ). Following this approval the Committee requested and received approval for the Court Record Retention Schedule from the State Records Panel.

More information on the history of Record Retention Schedules in Minnesota, including the District Court schedule, can be found at the Minnesota Historical Society, State Archives web page.

http://www.mnhs.org/preserve/records/retentionsched.html.

B. The Court Records Management Process in Minnesota

Minnesota District Courts utilize the authority of Minnesota Statutes § 138.17 for the Court Records Retention Schedule (Schedule). This statute permits the orderly destruction of public records. The legal, fiscal, administrative and historic value of a record is also considered when determining the appropriate retention period for a case file or file series. The revised Schedule attached to this document supersedes the schedule last modified in February 2005.

Modification

This schedule, as others before it, may be updated and revised as necessary and warranted by changes in state law or state court policy. To request or suggest a modification submit your proposed changes to the State Court Administrator's Office (SCAO) at the contact information listed below. SCAO staff researches and reviews every proposed change and makes revision recommendations on this basis. The recommendations are then evaluated by the appropriate court advisory committees and work groups, as well as other SCAO staff, subject matter experts and management as warranted.

Upon review and approval by the various groups consulted, the schedule is then presented to the State Court Administrator for approval. The State Court Administrator, following the guidance of Minnesota Statutes § 138.17 sends the approved revised schedule for review to the State Records Panel, which consists of representatives from the Offices of the State Auditor, Legislative Auditor, Attorney General and State Archives.

When the review and approval process is complete the schedule is made available to all court staff through posting on the CourtNet site at http://courtnet.courts.state.mn.us/100/?page=2867.

For further information, clarification or to request a modification, please contact:

Kim Larson, Court Operations Analyst
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651-282-6769

C. Special Notes

This section is intended to clarify some common questions that arise from court staff about the Schedule. This is not an exhaustive summary so if you have a question about the Schedule that is not covered here please contact the SCAO staff listed above.

Definitions

Disclaimer: The following definitions are specific to and for use only with regard to the Schedule. These words and phrases may have different meanings elsewhere.

Archival Quality Medium
Any non-paper format in which a record is stored or maintained by the court based on the guidelines provided in the following provisions and state law. Formats may include, but are not limited to: microfilm; microfiche; digital and optical imaging or scanning; photocopies; and audio recordings.

Final Disposition
Final disposition occurs after the appeal period has expired and no appeal has been made or a final appeal decision has been entered.

Record
Any paper or reproduced record that is associated with a court record or file series as identified in the attached Schedule.

State Record – A record of any court, whether statewide or local jurisdiction (See Minn. Stat. § 138.17, subdiv. 1(b)(2) (2007)).

Government Record – Includes state and local records (See MN Stat. § 138.17, subdiv. 1(b)(1) (2007)).

See also ***Acceptable Record Formats*** below for more detail

Reproduced Record
A court record that has been converted to an archival quality medium format as referenced throughout this document and Schedule.

Acceptable Record Formats

As the Minnesota Court System moves progressively toward an electronic-based record system, particularly with the arrival of e-filing on the horizon, it is important to start the process of linking the Schedule to this practice. According to Minnesota Statutes a Record is:

> "*All cards, correspondence, disks, maps, memoranda, microfilm, papers, photographs, recordings, reports, tapes, writings and other data, information or documentary material, regardless of physical form or characteristics, storage media or condition of use….*" (Minn. Stat. § 138.17, subdiv. 1(a) (2007)).

State law additionally states that "…records may be **produced** in the form of computerized records". (Minn. Stat. § 15.17, subdiv. 1 (2007)).

If a record is not electronically produced and the record is not deemed to be of permanent or archival quality (i.e.: landmark decisions, etc.) then Minnesota Statutes allow for the record to be "reproduced by any photographic, photostatic, microphotographic, optical disk imaging system, microfilming, or other reproduction method that clearly and accurately reproduces the record". The paper record may be destroyed once it has been confirmed that the reproduced record is accurate and retrievable. (Minn. Stat. § 15.17, subdiv. 1 (2007)).

What does this mean for Court Records Disposition?

Unless noted otherwise on the schedule, all court records that are **not designated as permanent or for transfer to State Archives**, may be converted to an archival quality medium prior to the expiration of the retention period if storage space needs merit the conversion.

Prior to the destruction of a paper record, the reproduced record must be tested to assure that a reliable copy of the record can be retrieved regardless of the retention period for that record. Guidelines for testing can be obtained from the State Archives Department at the Minnesota Historical Society by calling 651-259-3260.

****REMEMBER**** **file migration** needs in the future. For example: Your court uses document scanning to reproduce records with a .pdf file as the end result. Five years later technology has advanced and .pdf files are no longer used. Your court will need to maintain equipment that can access the .pdf files as necessary or implement a plan and process for migrating or converting the files.

Notes on Destruction

WHAT** Any record included on the attached Schedule may be destroyed according to the retention periods noted within.

HOW** A record shall be destroyed by the physical destruction of the entire contents of the court file and the removal of the party(ies) name(s) from indexes and/or data from the register maintained by the court. Unless otherwise provided in the Schedule, no specific method of destruction is prescribed by the Schedule. However, it is recommended that the method of destruction used should ensure that the contents cannot later be determined.

A **destruction inventory** must be kept and at a minimum should include sufficient information to identify the file/case type, party(ies) and date of destruction. You may choose to include the file numbers, the dates spanned by the file, the size of the file, the formats of records involved, and the mode of destruction. A sample destruction inventory is attached as Appendix A.

A reproduced record or duplicate paper copy of the paper court file **should not be retained beyond the designated expiration date if the file has been destroyed**. There is currently no function available in the Minnesota Court Information System (MNCIS) to destroy or purge a case record. The creation of this function is on a list of updates for the MNCIS system, but it remains unclear when it will be available for statewide use.

An interim process has been developed to address the situation where a file has been destroyed and is therefore no longer available for review, but the MNCIS record remains accessible and viewable. This process has been put forth and released as a Court Administration Best Practice. The Best Practice document is attached to the Schedule at Appendix B.

Additional Topics

Retention Periods apply to the level of the crime at the time of charging, NOT to the level of the crime at the time of conviction.

In the event that no retention period is provided the record must be retained permanently.

Resources and References

Court Staff is encouraged to review the information found at the following links. Of particular help may be the Minnesota State Archives Guidelines on record management.

General Records laws
Official Records Act, Minn. Stat. § 15.17
Records Management Act, Minn. Stat. § 138.17
Minnesota Government Data Practices Act, Minn. Stat. § 13

Electronic Records laws
Uniform Electronic Transactions Act, Minn. Stat. § 325L
Electronic Signatures in Global and National Commerce (E-Sign), 15 U.S.C. Chapter 96

Minnesota State Archives Guidance
History of Record Retention, Statewide
http://www.mnhs.org/preserve/records/index.htm
Records Services
http://www.mnhs.org/preserve/records/recser.html
Electronic Record Management
http://www.mnhs.org/preserve/records/electronicrecords/erguidelines.html
Formats
http://www.mnhs.org/preserve/records/electronicrecords/docs_pdfs/erfformats.pdf
Preservation
http://www.mnhs.org/preserve/records/electronicrecords/docs_pdfs/erpreserve.pdf