

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 31.

Records maintenance and retention.

(A) *Adoption of records retention schedule.* In accordance with the provisions of Ala. Code 1975, Section 41-13-21, the records retention schedule drafted by the interim committee on records retention appointed in August 1979, by the Chief Justice, dated July 22, 1980, and styled "Records Retention Schedule, One-A," and adopted by the Supreme Court on December 6, 1982, is hereby established as the official records retention schedule to be observed by the Unified Judicial System. This records retention schedule, with any amendments thereto and with all statements of approval from the Alabama state records commission, shall be maintained in the office of the clerk of the Supreme Court. The Administrative Director of Courts ("ADC") shall make copies of the records retention schedule available to all officials of the Unified Judicial System charged with the keeping of court records.

(B) *Procedure for amendments and additions to schedule.* Proposed amendments or additions to the records retention schedule shall be submitted to the ADC. Amendments or additions approved by order of the Supreme Court, in accordance with Ala. Code 1975, § 41-13-21, shall be deemed incorporated into the records retention schedule.

(C) *Description of records retention schedule.* The records retention schedule identifies individual types of court records, assigns retention periods to each, and provides disposition instructions. The records retention schedule is designed to include all of the various types of court records found throughout the state.

Some counties may have more or fewer record types than listed in the records retention schedule. An explanation of retention and disposition instructions is presented in the introduction to the records retention schedule. Any court records not listed in the records retention schedule shall be maintained until the schedule is amended and a retention period is assigned in accordance with subsection (B) of this rule. The retention periods listed in the records retention schedule provide the minimum period each record must be maintained.

(D) *Method of disposal.* Records shall be disposed of in accordance with the records retention schedule by burning or shredding or by depositing them in public landfill or in any other manner that is reasonably calculated to prevent their retrieval. Electronically stored records shall be disposed of by deleting the record from the electronic storage unit.

(E) *Disposal after microfilming or other preservation.* After a record has been microfilmed, scanned, or otherwise preserved in a manner approved by the Administrative Office of Courts ("AOC"), including a check with the original record for accuracy and the production of a security copy of microfilm or electronic storage medium, the original record may be disposed of, unless it is scheduled to be sent to the Department of Archives and History pursuant to the disposition instruction of the records retention schedule. Disposal of the original record shall be reported in a manner prescribed by AOC.

(F) *Remains of records.* When records have been damaged or destroyed by decay, vermin, fire, water, or other means which make their remains illegible, the official custodian may dispose of the remains in a manner consistent with subsection (D) of this rule.

(G) *Electronic records.* Preservation and disposal of all court documents and case files that are filed and/or stored electronically shall be governed by the records retention schedule.

(H) *Oversight of electronic records.* AOC, under the direction of the ADC or the ADC's designee, shall provide oversight of a central database for the storage of all court records that are filed electronically with each clerk's office. While the clerks shall remain official custodians of the electronic records, AOC shall assume and share the responsibilities and duties of the clerk relating to retention, care, and dissemination of the electronic records in the database.

(I) *Protection of identifying information and confidential records.* Unless otherwise provided by law, any data, report, or compilation of information produced by the clerk or other official custodian of court records for public disclosure shall exclude the personal identifying information of any individual. Identifying information may include all nine (9) digits of an individual's Social Security number, an individual's date of birth, credit card numbers, bank account numbers, other personal financial information, or any other information declared to be identifying information by the ADC. The ADC may promulgate policies and procedures for the clerk or other official custodians of court records to follow in order to safeguard identifying information or other personal information that the ADC determines should be protected from public disclosure. The clerk or other official custodian of court records shall not be responsible for identifying information included on any document filed in the clerk's office. Any individual filing a document that requires or contains an individual's personal identifying information may make proper request under these Rules or other applicable rules to protect the contents of such documents from public disclosure.

(J) *Juvenile records.* Neither the records retention schedule styled "Records Retention Schedule, One-A," nor subsections (G) and (H) of this rule shall be applicable to any juvenile records.

(K) *Authority of the Administrative Director of Courts.* The ADC shall provide the Supreme Court with notice of any policies, procedures, guidelines, directive, or any other standards that are implemented pursuant to this rule. Notice shall be provided by filing the documentation of such with the clerk of the Supreme Court for circulation to members of the Court.

[Adopted 9-9-80, eff. 10-1-80; Amended 9-28-87, eff. 10-1-87; Amended eff. 1-31-89; Amended eff. 4-15-99; Amended eff. 11-9-2006.]

Comment

This rule provides procedures for the creation, amendment and use of judicial records retention schedules. Subdivisions (D), (E) and (F) provide uniform procedures for the destruction of court records through implementation of the records retention schedule and prescribe uniform reporting procedures.

This Rule replaces former Rule 47.

Note from the reporter of decisions: The order amending Rule 31(E), effective April 15, 1999, is published in that volume of *Alabama Reporter* that contains Alabama cases from 729 So.2d.

Note from the reporter of decisions: The order amending Rule 16, Rule 18, Rule 19, Rule 20, Appendix B to Rule 20, Rule 30, and Rule 31, effective November 9, 2006, is published in that volume of *Alabama Reporter* that contains Alabama cases from 944 So. 2d.