

## Summary of OLLS Recommendations Regarding Legislative 'Member' Files

Presented to the Committee on Legal Services November 17, 2016

Category	Years	Storage Location (as of 2016)	Status	OLLS Recommendation
1	1930 & earlier	Not retained or stored	n/a	n/a
2	1931-1997	State Archives	Privileged Work Product.	Destroy based on schedule.
3	1998-2008*	State Archives	Privileged Work Product, unless waived in writing.	Destroy based on schedule.
4	2009-2016*	Capitol Sub-basement	Privileged Work Product, unless waived in writing.	<p>(1) Do not send files to State Archives.</p> <p>(2) Retain files only in Capitol Sub-basement and implement an 8-year retention schedule. At the end of a file year's 8-year retention, that file year's records will be destroyed.</p> <p>(3) Discontinue OLLS practice of asking legislators who are leaving the General Assembly for blanket waivers of the work product privilege on their member files. Access to legislator member files requires case-specific waiver by the affected legislator.</p> <p>(4) OLLS will disregard blanket waivers previously granted by former legislators. New requests for access to those legislators' member files require case-specific waiver by the affected legislator.</p>
5	2017 & later	Capitol Sub-basement	Privileged Work Product, unless waived in writing.	<p>(1) Do not send files to State Archives.</p> <p>(2) Retain files only in Capitol Sub-basement and implement an 8-year retention schedule. At the end of a file year's 8-year retention, that file year's records will be destroyed.</p> <p>(3) Handle requests for access to records on a case-by-case basis.</p>

\* Multiple boxes containing 2006 member files were damaged by water and insects. The corresponding remediation efforts resulted in those 2006 member files not being transferred to State Archives on the normal annual schedule. The entire collection of 2006 member files is still in the Capitol sub-basement.