



Antitrust Records Retention Schedules

The table below list records retention schedules for the Ohio Attorney General’s Office that have been approved by the Department of Administrative Services (DAS), State Archives, and Auditor of State. To view the official agency retention schedules, please go to the [Ohio Government Records Database](#). **Disclaimer:** If you have any issues reading this document, please feel free to [Contact Us](#) and we will try to provide an accessible version.

Record Series Title	Agency and Series Authorization Numbers	Record Series Description	Confidential Description	Vital Description	Retention Period	Retention Justification	Method of Disposal	Date Schedule Approved
Section Policies and Procedures	67-OAG-15 10551294	Documents outlining section policies, procedures, practice and/or protocols. Used to inform employees of section practices and operational standards.	ORC 1331.16 Investigative Demand and ORC 149.43(A)(1)(h) CLEIRS exemption		Electronic – 1 year after superseded		Electronic – Delete	4/2/2010



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Record Series Title	Agency and Series Authorization Numbers	Record Series Description	Confidential Description	Vital Description	Retention Period	Retention Justification	Method of Disposal	Date Schedule Approved
Investigative Demand Materials (Ohio)	67-OAG-16 10551298	Pre-complaint discovery materials (Compulsory process materials) received in response to an investigative demand subpoena issued by the OAG office to anyone with potential information relevant to an antitrust investigation (ORC 1331.16)	ORC 1331.16 Investigative Demand statute		Electronic – Shorter of 24 months from date when material was made available or when materials are no longer required for use in a pending proceeding; or such other period as consented by the producing party or ordered by an Ohio Court of Common Pleas. Paper – Shorter of 24 months from date when material was made available or when materials are no longer required for use in a pending proceeding; or such other period as consented by the producing party or ordered by an Ohio Court of Common Pleas.	Mandated by ORC 1331.16(M)	Electronic – Other Paper – Other	6/17/2010



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Record Series Title	Agency and Series Authorization Numbers	Record Series Description	Confidential Description	Vital Description	Retention Period	Retention Justification	Method of Disposal	Date Schedule Approved
Settlement/Mediation Materials	67-OAG-17 10551295	Documents needed to carry out terms of antitrust settlements and mediation, working with the claims administrator and escrow agent, and the distribution of settlement monies. Can include, but is not limited to, settlement agreements, materials pertaining to the selection of mediator, escrow agent and claims administrator, escrow agreements, claims administration materials, materials pertaining to public notice, and reports to demonstrate compliance with terms of agreement.	ORC 2710.03 Mediation communications privileged (149.43(A)(1)(i)) – ORC 2710.05 lists exceptions to the privilege, also SSN (5 U.S.C. 552a) and possibly medical records.		Electronic – 15 years from when the settlement agreement reached, the end of the consent decree, or judicial extension, provided audited. Paper – After settlement agreement reached and case closed.	2305.06 Contract in writing (15 years); Judicial extension can go on for long periods of time.	Electronic – Delete Paper – Shred	4/2/2010



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Discovery Responses /Production	67-OAG-21 10551337	Responses and documents responsive to any party involved in the litigation’s discovery request as required by Ohio and Federal Rules of Civil Procedure.	If they are sealed by the court or fall under a protective order of the court – Federal Rule of Civil Procedure 26c7 and Ohio Civil Rule 26C.		Electronic – Until case closed out of internal case management system and all appeals exhausted, unless otherwise specified by protective order of the court, for materials not otherwise covered by Compulsory Process Materials (67-OAG-18) and Investigative Demand Materials (67-OAG-16). Paper – Until case closed out of internal case management system and all appeals exhausted, unless otherwise specified by protective order of the court, for materials not otherwise covered by Compulsory Process Materials (67-OAG-18) and Investigative Demand Materials (67-OAG-16).	Necessary to retain discovery materials for duration of litigation.	Electronic – Delete Paper – Shred	06/17/2010



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Record Series Title	Agency and Series Authorization Numbers	Record Series Description	Confidential Description	Vital Description	Retention Period	Retention Justification	Method of Disposal	Date Schedule Approved
Undocketed Files	67-OAG-23 10551374	Preliminary research on possible antitrust violations, used to determine merit of pursuing formal investigation or opening case. Can include, but is not limited to, research, 3 rd party materials and correspondence.	Attorney/client privilege, work product, must abide by any other state or federal government confidentiality statutes on materials received.		Electronic – 4 years or until transferred to Docketed Case Files. Paper – Until converted to electronic format.		Electronic – Delete Paper – Shred	12/10/2010
Antitrust Monthly Reports	67-OAG-25 10551375	Summary and status reports of Antitrust section staff activity on pending investigations/litigation. Used to highlight activities that have been done, activities that still need to be completed and provide tracking and trending of time spent on specific investigative and case activities.	Attorney/client privilege, work product, common interest privilege, CLIERS.		Electronic – 20 years.	In antitrust cases, patterns don't repeat often, so for statistical data, have to go back further.	Electronic – Delete	12/10/2010



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OHIO ATTORNEY GENERAL

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Post Closure Transient Documents	67-OAG-28 10551499	Materials received and evaluated by attorneys for information or relevance following the conclusion of the AGO's involvement in the litigation or investigation to which the materials relate. Includes correspondence, court notices or orders, non-dispositive pleadings and motions.			Electronic – Until no longer of administrative value. Paper – Until no longer of administrative value.	These documents are primarily informational in nature.	Electronic – Delete Paper – Recycle	8/7/2012
Docketed Case Files	67-OAG-29 10551729	Documents relating to the management, investigation and/or litigation of antitrust cases. Records include, but are not limited to, research materials, administrative documentation, pleadings, correspondence, discovery requests, settlement information, and expert materials.	Attorney/client privilege, work product, common interest privilege LEXSEE 902 F.2D 244, 1331.16 Investigative Demand, discovery covered by protective order.		Electronic – After case closed out of internal case management system and all appeals exhausted. Paper – After case closed out of internal case management system and all appeals exhausted.	Settlement and mediation records will be separated at case closing and retained according to its applicable records retention for monitoring purposes.	Electronic – Delete Paper – Shred	4/2/2019



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Compulsory Process Materials (Other Federal or State Law Enforcement or Regulatory Agencies)	67-OAG-30 10551728	Discovery materials (compulsory process materials) in which the compulsory process originated a governmental agency other than the Ohio Attorney General's Office (AGO). Such materials are received from, but not limited to, Federal law enforcement agencies, law enforcement agencies of other states, or Ohio law enforcement or regulatory agencies other than the AGO.	Various other state and federal antitrust statutes.		Electronic – Such period as consented to by the producing party or as ordered by statute or courts in jurisdictions outside of the AGO. Paper – Such period as consented to by the producing party or as ordered by statute or courts in jurisdictions outside of the AGO.		Electronic – Delete Paper – Shred	4/2/2019



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Record Series Title	Agency and Series Authorization Numbers	Record Series Description	Confidential Description	Vital Description	Retention Period	Retention Justification	Method of Disposal	Date Schedule Approved
Constituent Letters	67-OAG-31 10551727	Documents constituent inquiries regarding possible Antitrust matters/investigations. Records include, but are not limited to, possible Constituent Inquiries Database (CID) entry information received from Constituent Services, bid-rigging hot-line email, other correspondence, and constituent-submitted documents relating to their inquiries.			Electronic – 4 years, unless letter becomes part of undocketed or docketed case files. Paper – Until scanned and saved electronically.	Used for tracking of issues and determining patterns that could later be the start of an investigation file.	Electronic – Delete Paper – Shred	4/2/2019



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Tobacco Enforcement Unit Records Retention Schedules

Record Series Title	Agency and Series Authorization Numbers	Record Series Description	Confidential Description	Vital Description	Retention Period	Retention Justification	Method of Disposal	Date Schedule Approved
Tobacco Arbitration Litigation Files	TOB-AGO-01 10551811	Litigation against tobacco product manufacturers seeking monetary, equitable, and injunctive relief for the State of Ohio. May related to escrow payment violations under ORC 1346.02 or to breach of Master Settlement Agreement. Records include, but are not limited to, pleadings, memorandum, affidavits, attorney work product, legal research, motions, judgments, discovery, evidence, transcripts, correspondence, settlement and negotiation documents, and hearing and deposition materials.	Numerous confidentiality statutes specific to client agencies, attorney/client privilege, attorney work product, SSN, and others (ORC 149.43).	Records may be only copy in existence or was received from tobacco manufacturer s.	Electronic – Retain 2 years after related arbitration is completed and case is close. Review for possible transfer to State Archives before destruction. Paper – Retain 2 years after related arbitration is completed and case is close. Review for possible transfer to State Archives before destruction. If scanned and saved electronically, dispose of paper immediately.	Records collected or produced during past litigation often reproduced in current, ongoing arbitration reviews. Therefore, it is beneficial to retain past records of value until related arbitration review has been completed.	Electronic – Delete Paper – Shred	5/9/2024



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Diligent Enforcement Arbitration Files	TOB-AGO-02 10551812	Files relating to the arbitration proceedings to determine whether the State of Ohio diligently enforced per ORC 1346.01-.03. Records include, but are not limited to, filings, correspondence, copies of litigation files, document production, materials from the AGO manufacturer files, and copies of escrow payments.	May contain financial information (ORC 149.43(A)(1)(v)) and tax information (ORC 1346.03). Information provided by independent auditors may also contain confidential information.	Records may be only copy in existence.	Electronic – Retain 2 years after all payments for the related arbitration have been received. Paper – Retain 2 years after all payments for the related arbitration have been received. If scanned and saved electronically, dispose of immediately.		Electronic – Delete Paper – Shred	5/9/2024



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Master Settlement Agreement Payments	TOB-AGO-03 10551815	Files relating to payments by Participating Tobacco Manufacturers required by the 1998 Tobacco Master Settlement Agreement (MSA) with the State of Ohio. Records include, but are not limited to, payment detail reports, correspondence, and dispute letters.	May contain financial information (ORC 149.43(A)(1)(v)) and tax information (ORC 1346.03). Information provided by independent auditors may also contain confidential information.	Records may be only copy in existence.	Electronic – Retain 2 years after all payments for the related arbitration have been received. Records not needed in the ongoing arbitration case can be destroyed when no longer of administrative value. Paper – Retain 2 years after all payments for the related arbitration have been received. Records not needed in the ongoing arbitration case can be destroyed when no longer of administrative value. If scanned and saved electronically, dispose of paper immediately.		Electronic – Delete Paper – Shred	5/9/2024



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Participating Manufacturer (OPM and SPM) Files	TOB-AGO-04 10551814	Files on Original Participating and Subsequent Participating Tobacco Manufacturers (OPM and SPM) who are parties to the 1998 Tobacco Master Settlement Agreement (MSA) with the State of Ohio. Records include, but are not limited to, collected information on the tobacco product manufacturer, examples of products and brands, annual certification files, and quarterly certification files.	May contain financial information (ORC 149.43(A)(1)(v)) and tax information (ORC 1346.03).	Records may be only copy in existence.	<p>Electronic – Retain until manufacturer no longer in business and there is no ongoing arbitration involving manufacturer’s business/last year of sales. Records not needed in the ongoing arbitration case can be destroyed when no longer of administrative value.</p> <p>Paper – Retain until manufacturer no longer in business and there is no ongoing arbitration involving manufacturer’s business/last year of sales. Records not needed in the ongoing arbitration case can be destroyed when no longer of administrative value. If scanned and saved electronically, dispose of immediately.</p>		Electronic – Delete Paper – Shred	5/9/2024



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Non-Participating Manufacturer (NPM) Files	TOB-AGO-05 10551813	Files on Non-Participating Tobacco Manufacturers (NPM) who are not parties to the 1998 Tobacco Master Settlement Agreement (MSA) with the State of Ohio. Records include, but are not limited to, collected information on the tobacco product manufacturer, examples of products and brands, annual certification files, quarterly certification files, and records documenting deposits into escrow fund.	May contain financial information (ORC 149.43(A)(1)(v)) and tax information (ORC 1346.03).	Records may be only copy in existence.	<p>Electronic – Retain 25 years after NPM has ceased business and sales in the State of Ohio or until NPM no longer in business and there is no ongoing arbitration involving their business/sales, whichever is later. Records not needed in the ongoing arbitration case can be destroyed when no longer of administrative value.</p> <p>Paper – Retain 25 years after NPM has ceased business and sales in the State of Ohio or until NPM no longer in business and there is no ongoing arbitration involving their business/sales, whichever is later. Records not needed in the ongoing arbitration case can be destroyed when no longer of administrative value. If scanned and saved electronically, dispose of immediately.</p>	Per ORC 1346.02, deposited funds by NPMs shall be released from escrow and revert back to such tobacco product manufacturer 25 years after the date on which they were placed into escrow.	Electronic – Delete Paper – Shred	5/9/2024