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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
Investigative Demand Materials (Ohio)	67-OAG-16 10551298	Per ORC 1331.16, Ohio Attorney General's Office (AGO) may issue a subpoena to anyone with potential information relevant to an Ohio-related antitrust investigation. Records include, but are not limited to, pre-complaint discovery materials or compulsory process materials, received in response to the investigation demand subpoena.	Investigative demand for discovery is confidential (ORC 1331.16(L)).		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. If scanned and saved electronically, dispose of paper if receiving permission from the party.	Mandated by ORC 1331.16(M).	Electronic – Delete Paper – Shred	11/3/2026

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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. Records include, but are 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.	Contains privileged mediation communications (ORC 2710.03), possibly social security and medical record information (ORC 149.43), and exceptions to the privileged mediation communication (ORC 2710.05).		Electronic – Retain 6 years from when the settlement agreement reached, the end of the consent decree, or judicial extension, provided available for applicable audit cycle. Paper – Retain until after settlement agreement reached and case closed.	Per ORC 2305.06, an action upon a specialty or an agreement in writing shall be brought within 6 years after the cause of action accrued.	Electronic – Delete Paper – Shred	7/16/2024

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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
Discovery Responses /Production	67-OAG-21 10551337	Per the Ohio and Federal Rules of Civil Procedure, the Ohio Attorney General's Office (AGO) shall submit discovery requests to parties involved in antitrust litigation. Records include, but are not limited to, responses and documents responsive to any party involved in the AGO's litigation discovery request, interrogatories, and requests for admissions.	Confidential if sealed by the court or falls under a protective order of the court (FRCP 26(c) and Ohio Civil Rule 26(C)).		Electronic – Until case closed out of internal case management system and all appeals exhausted, unless otherwise specified by protective order of the court. Paper – Until case closed out of internal case management system and all appeals exhausted, unless otherwise specified by protective order of the court.	Necessary to retain discovery materials for duration of litigation.	Electronic – Delete Paper – Shred	11/3/2026

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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
Post Closure Transient Documents	67-OAG-28 10551499	Materials received and evaluated by Ohio Attorney General's Office (AGO) attorneys for information or relevance following the conclusion of the AGO's involvement in or investigation to which the materials relate; often concerning the settlement, verdict, or decision not to prosecute because of lack of merit. Records include, but are not limited to, correspondence, court notices or orders, non-dispositive pleadings and motions.			Electronic – Until no longer of administrative value. Paper – Until no longer of administrative value. If scanned and saved electronically, dispose of paper immediately.		Electronic – Delete Paper – Shred	11/3/2026

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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
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
Antitrust Case Files	67-OAG-31 10551816	Documents investigations and litigation, by the Ohio Attorney General's Office into antitrust matters affecting the State of Ohio. Records include, but are not limited to, research on possible antitrust violations, administrative documentation, pleadings, correspondence, discovery requests (and responses), settlement information, and expert materials.	Contains attorney/client privilege and attorney work product, etc. (ORC 149.43), privileged communications with other state Attorney Generals and federal offices (LEXSEE 902 F .2D 244 and 249), and investigatory demand materials (ORC 1331.16 and 1331.17). May also abide to another state or federal government's statue on materials received and/or may be protected by court order.	May contain only records in existence.	Electronic – Dispose after file is closed and all appeals have exhausted (if litigated). Paper – Dispose after file is closed and all appeals have exhausted (if litigated). If scanned and saved electronically, dispose of paper immediately.	Settlement, Investigative Demand, other State and/or Compulsory, and Discovery materials will be pulled and retained per its applicable retention schedule after case closing.	Electronic – Delete Paper – Shred	7/16/2024

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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 manufacturers.	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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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
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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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
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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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
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.	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. 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.		Electronic – Delete Paper – Shred	5/9/2024

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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
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.	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. 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.	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