

**RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS
PART 104. RETENTION AND DISPOSITION OF COURT RECORDS**

§104.1 Application

- (a) These rules shall apply to court records of all the courts of the Unified Court System, including records of commissioners of jurors. Any action taken with respect to the records of the Court of Appeals and Appellate Divisions shall be subject to the approval of the Chief Judge of the Court of Appeals and the Presiding Justices of the Appellate Divisions for the records in their respective courts.**
- (b) The term “court records” shall include all documents and records that are part of the court file of each case and all books, papers, calendars, statistical schedules and reports and other records pertaining to the management of court cases.**
- (c) The term “alternative format” shall mean a format for the reproduction and maintenance of records, including microphotography and electronic formats, approved by the Deputy Chief Administrator for Management Support.**
- (d) References to the Deputy Chief Administrator for Management Support shall include a designee of the Deputy Chief Administrator for Management Support.**

§104.2 Retention Schedules

- (a) The Chief Administrator of the Courts shall promulgate schedules for the retention and disposition of court records. These schedules shall include a description of each record and the time period required for its retention. The time periods shall take into account the needs of both the court and the parties appearing before the court, and the historical value of the records for research purposes.**
- (b) Unless a permanent record by in an alternative format first is made and permanently retained, judgment rolls and other records, books and papers that affect the mental illness or the sanity or competency of any person shall be retained for at least 50 years; and that the judgment rolls and other records, books and papers that affect the marital rights or status or the custody or lineage of any person and judgment rolls regardless of their age that affect title to real property shall be retained permanently.**

§104. 3 Procedure for Disposition of Court Records

- (a) Any court seeking to dispose of court records shall make a written request for such disposal to the Deputy Chief Administrator for Management Support. The request shall describe in appropriate detail the records sought to be disposed of, including the nature of the records and the range of dates of their filing or creation.**
- (b) The Deputy Chief Administrator for Management Support shall determine the request based upon the retention schedules created pursuant to section 104.2 of this Part and in accordance with the needs of the courts. The Deputy Chief Administrator may require that a sampling of the records be made, based upon a methodology approved by the Deputy Chief Administrator, and that the sample be retained for research purposes.**
- (c) Suitability of arrangement for the storage of court records outside of court facilities, including any contracts entered into for storage, shall be approved by the Deputy Chief Administrator for Management Support.**
- (d) Nothing in the retention schedules or these rules shall limit the authority of the Deputy Chief Administrator for Management Support to permit the disposition of any court records upon a showing of special circumstances and as permitted by law.**
- (e) In those actions or proceedings where the retention schedules provide that the period of retention shall commence at the date of disposition of the action or proceeding, where the clerk of any court has opened a case file for such action or proceeding, and where a continuous period of at least five years has elapsed during which such file is totally inactive, there being no additional papers filed therein nor any additional notations made therein or on the file jacket, the required period of retention for such file shall be deemed to have commenced at the end of such five-year period and the file may be disposed of in accordance with these rules and the appropriate retention schedules. This provision shall have no effect upon the action or proceeding or any substantive or procedural rights of any of the parties.**

§104. 4 Reproduction of Court Records in an Alternative Format

- (a) All contracts, processes, procedures and apparatus for the reproduction of court records in an alternative format shall be subject to prior approval by the Deputy Chief Administrator for Management Support.**

- (b) Court records that have been reproduced pursuant to subdivision (a) may be disposed of pursuant to section 104.3, provided that the reproductions are satisfactorily identified and indexed, are in a format that allows for accurate reproduction, and are stored in a facility approved by the Deputy Chief Administrator for Management Support.**

§104. 5 Confidentiality

Court records that are reproduced in an alternative format, retained for research purposes or designated for disposition remain subject to all statutory provisions pertaining to access and confidentiality that are applicable to the original records. Arrangements for the reproduction, retention or disposal of court records that are sealed or otherwise deemed confidential must preserve the level of protection and nonaccess required by law.