

Strasbourg, 28 September 2011

DS/DLAPIL(2011)02

Retention/Disposal schedule Legal Advice and Litigation Division

Directorate of Legal Advice and Public International Law

1. Activities

The Legal Advice and Litigation Division provides legal advice needed by the various organs, subsidiary bodies, institutions or administrative entities of the Council of Europe. The Division gives advice on all legal matters, in particular as regards draft treaties, recommendations and resolutions or in the framework of concluding contracts or drafting letters and working papers.

The Division replies in the name of the Secretary General to administrative complaints and represents the Secretary General in internal litigation procedures before the Administrative Tribunal.

The Division also assists the representative of the Secretary General within the Co-ordination system and ensures the legal protection of the European emblem.

2. Explanatory notes

The Legal Advice and Litigation Division has its own archive, referred to as the documentation centre in this schedule.

Where the master is an electronic document, these documents need to be saved and maintained in a way that ensures their authenticity and accessibility, until they can be transferred to an electronic records system.

3. Approval

	Nom	Signature	Date
Head of Division	Bridget O'Loughlin		
Archive correspondent	Gabrielle Dumont		
Head of Information Management Division	Eva Sodomova		

Series: title, description	Master/ copy	Medium, format & storage	Retention period	Disposition	Access level classification	Notes / Rationale	Folder structure
Providing legal advice							
General legal advice - Request - Note to the file - Meeting minutes - Advice	Master	e-mail and Word in PF	10 years Review for cases to keep	Destruction or conservation	Shared with requesting entity	Important advice shall be kept for reuse and consistency	By services
	Copy	Paper	10 years Review for cases to keep	Destruction or conservation			By services
Legal advice on contracts - Request - Note to the file - Meeting minutes - Advice	Master	e-mail and Word in PF	5 years after the end of the contract Review for cases to keep	Destruction	Restricted if contract is not confidential, then confidential	Shared with requesting entity in case of confidentiality Important advice shall be kept for reuse and consistency	By services
	Copy	Paper	5 years after the end of the contract Review for cases to keep	Destruction			By services
Legal advice on Council of Europe instruments - Request - Note to the file - Meeting minutes - Advice	Master	Paper	Permanent	Conservation in Doc centre	Confidential	The CM will publish the final advice with the convention	By services
	Copy	e-mail and Word in PF	Permanent	Conservation			By services
Legal advice on general staff matters - Request - Note to the file - Meeting minutes - Advice	Master	Paper	Permanent	Conservation in Doc centre	Confidential	Shared with requesting entity in case of confidentiality	By services
	Copy	e-mail and Word in PF	Permanent	Conservation			By services

Series: title, description	Master/ copy	Medium, format & storage	Retention period	Disposition	Access level classification	Notes / Rationale	Folder structure
Legal advice concerning individual staff Includes legal advice on harassment complaints and disciplinary cases - Request - Note to the file - Meeting minutes - Advice	Master	Paper	Permanent	Conservation in Head of Division's office	Confidential		By requester
	Copy	Word, PDF, e-mail in PF	Permanent	Conservation			
Legal advice on immunities and privileges - Request - Note to the file - Meeting minutes - Advice	Master	Paper	Permanent	Conservation in Doc centre	Confidential	Default access is confidential. Case by case to make it restricted	By services
	Copy	e-mail and Word in PF	Permanent	Conservation In Doc centre			By services
Legal advice follow-up table	Master	excel in PF	Keep current		Confidential		
Transitory records: - Task assignments - Contextual documents - Comments	Both	e-mail Word, PDF	Keep until the process is finalised	Destruction	Confidential	Selected original versions might be kept for further reference. Then their status should change to intermediate with 10 year retention	Keep with advice file
- Model advice	Master	Word in PF	Keep current		Confidential		
Treatment of administrative complaints							
Administrative complaint files - Answer	Master	Paper	Permanent	Conservation in Doc centre	Confidential		By year
	Copy	Word in PF	Permanent	Conservation			By year and requester

Series: title, description	Master/ copy	Medium, format & storage	Retention period	Disposition	Access level classification	Notes / Rationale	Folder structure
<ul style="list-style-type: none"> - Administrative complaint [DHR] - Stay of execution order [AT] - Opinion of the Advisory Committee on Disputes - Approval/Refusal by validators [DGA, PO] 	Copy	<ul style="list-style-type: none"> - Word in PF - e-mail 	Permanent	Conservation In Doc centre	Confidential		By year and requester
Administrative complaints follow-up table	Master	Excel in PF	Keep current		Confidential		
Transitory records: <ul style="list-style-type: none"> - Reception receipt - Mailings - Contextual documents - Intermediate decisions - Draft versions - Discussion notes 	Both	<ul style="list-style-type: none"> - Word - e-mail 	Keep until the process is finalised	Destruction	Confidential	Selected draft versions might be kept for further reference. Then their status should change to intermediate with 10 year retention	
Appeals management							
Appeal files <ul style="list-style-type: none"> - SG representative nomination note - SG observations - <i>Duplicque</i> authorisation request - <i>Duplicque</i> - Corrected minutes of the tribunal session - Judgement execution document 	Master	Paper	Permanent	Conservation in Doc centre	Confidential		By requester
	Copy	Word, e-mail in PF	Permanent	Conservation			By requester
	<ul style="list-style-type: none"> - Appeal - Plaintiff's submission - Plaintiff's reply - <i>Duplicque</i> authorisation reply - Final minutes of the tribunal 	Copy	<ul style="list-style-type: none"> - Paper - Word, e-mail in PF 	Permanent	Conservation in Doc centre	Confidential	

Series: title, description	Master/ copy	Medium, format & storage	Retention period	Disposition	Access level classification	Notes / Rationale	Folder structure
session - Judgement							
Transitory records: - Draft versions of observations - Notes from tribunal session	Master	Word, e-mail in PF	Keep until the process is finalised	Destruction	Confidential		Keep with appeal file
External litigation management							
External litigation files						Not yet used	
Ensuring the legal protection of the European emblem							
Emblem use request files Documents related to requests for authorisation to use the emblem - Requests - Answers - Opinions of the European Commission	Master	Paper	permanent	Conservation in Doc centre	Internal		Chronological by year
	Copy	E-mail, Word in PF	10 years	Destruction			Chronological by year
Emblem protection documentation Documents related to the legal protection of the emblem - Trade mark registrations - Circular letters and answers - Mandates to lawyers - Opinions of the European Commission	Master	Paper	permanent	Conservation in Doc centre	Internal		By organisation or country
	Copy	E-mail, Word in PF	10 years	Destruction			By organisation or country
Transitory records - Internal validation exchange	Master	E-mail, Word in PF	until procedure is finalised	Destruction	Internal		

Series: title, description	Master/ copy	Medium, format & storage	Retention period	Disposition	Access level classification	Notes / Rationale	Folder structure
Collaboration with legal advisors from other organisations							
Legal advisors exchange Exchange of information among legal advisors on specific questions	Master	E-mail, Word in PF	10 years or permanent	Review for conservation	Confidential	Useful advice shall be kept for reuse	By subject (to be determined)
Legal advisors meeting documentation - agenda - meeting report	Master	E-mail, Word in PF	10 years or permanent	Review for conservation	Confidential		Chronologically by meeting
Document management							
Chronos Chronological files of copies of incoming and outgoing correspondence	Copy	Paper, in Chrono files	1 year from the end of the calendar year in which the document is dated	Destruction	Exception	Copies of letters sent	By year

Abbreviations used:

DRH: Directorate of Human Resources; AT: Administrative Tribunal; DGA: Directorate General of Administration; PO: Private Office of the Secretary General