



Litigation Holds: Clarification and Release

When the Delaware Public Archives (DPA) receives notice of a litigation hold, DPA pauses approval of records transfers, destruction requests, and retention schedule updates within the reported scope of the hold. Notice may come from legal counsel or agency staff. The affected scope may be an entire organization, a department, division, program, or location.

Written clarification from counsel

To request that processing resume, obtain a letter from your Deputy Attorney General or other legal counsel identifying the affected organization and the specific organizational scope addressed. The letter must clearly establish one of the following:

Hold lifted or not applicable. The hold has been lifted, or the identified organizational unit is not subject to the reported hold.

Specified series exempt. The hold remains in effect, but the enumerated record series are exempt.

Only specified series held. Only the enumerated record series remain subject to the hold; all other series within the identified scope are outside the hold.

Identify each enumerated record series by its retention schedule record series number and title. Clearly state whether the listed series are covered by or exempt from the hold. General descriptions alone are insufficient.

Submission and review

Provide the accompanying template to counsel to help prepare the letter. Submit the completed letter to your assigned Records Analyst. The Analyst will route it through the Government Services Manager for the Archives Director's review.

DPA will resume processing within the clarified or released scope only with the Archives Director's authorization. Counsel's letter does not itself approve a transfer, destruction request, or retention schedule update; each remains subject to DPA's normal review and approval requirements.

Direct questions about this process to your [assigned Records Analyst](#).