Form for Agency Chief Counsel Regarding Departure of Senior Management Employees – to be sent 5 business days before departure

To: Agency Head and Governor's Office General Counsel, or their designees
From: Agency Chief Counsel or designee
Re: Departure of Senior Management Employees and Compliance with MD 210.5
This is to verify, concerning the departure of, on, that said employee was advised, by, on, which was at least 7 business days prior to departure (if not, please advise why not), to do as follows:

- (a) Consult with the Agency Records Coordinator in determining proper disposition of records;
- (b) Ensure that agency records under the control of the departing Senior Management Employee, including e-mails and other electronic records, are transferred to the control of the an agency-designated individual (i.e. moved from the network drive of the employee to the network drive of the other individual or that paper records are left in the office of the departing employee) or otherwise retained for the successor employee following appropriate retention and disposition schedules;
- (c) Comply with restrictions on the copying or destruction of records that may be subject to a litigation hold, audit reporting requirements, confidentiality provisions, archival review or other considerations noted in the appropriate general or agency-specific records retention and disposition schedules.
- (d) Provide to the Agency Head and the General Counsel, or their designees, at least five business days prior to departure, a written summary of any records remaining in the employee's sole possession or control, as of that time, and any records that the employee wishes to retain for personal use after departure;
- (e) Not remove or copy any records until a decision is made by the Agency Head and General Counsel, or their designees, as to which requested records the Senior Management Employee may retain after departure; and
- (f) Notify the Agency Chief Counsel of and provide to that office any records either designated as necessary for litigation purposes or that are reasonably likely to be subject to litigation, investigations, subpoenas, or discovery requests.

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