



CHAPTER 121
ARTICLE 1 - GENERAL PROVISIONS

N.C.G.S. § 121-5.

Public records and archives.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-134, s. 27.9(a) — twenty-first act in the lineage	RETRIEVED 21 September 2026, 04:02 UTC	SOURCE FINGERPRINT ade01b2c5b75203ae29b6c04 - 3beca384c89deef743fd756d - 6d230885f9e8c04d
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§ 121-5(a) State Archival Agency Designated. - The Department of Natural and Cultural Resources shall be the official archival agency of the State of North Carolina with authority as provided throughout this Chapter and Chapter 132 of the General Statutes of North Carolina in relation to the public records of the State, counties, municipalities, and other subdivisions of government.

§ 121-5(b) Destruction of Records Regulated. - No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Natural and Cultural Resources, except as provided in G.S. 130A-99. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court.

When the custodian of any official State records certifies to the Department of Natural and Cultural Resources that such records have no further use or value for official and administrative purposes and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

When the custodian of any official records of any county, city, municipality, or other subdivision of government certifies to the Department that such records have no further use or value for official business and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be authorized by the governing body of said county, city, municipality, or other subdivision of government to be destroyed or otherwise disposed of by the

agency having custody of them. A record of such certification and authorization shall be entered in the minutes of the governing body granting the authority.

The North Carolina Historical Commission is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section. When any State, county, municipal, or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine.

§ 121-5(c)

Assistance to Public Officers. - The Department of Natural and Cultural Resources shall have the right to examine into the condition of public records and shall, subject to the availability of staff and funds, give advice and assistance to public officials and agencies in regard to preserving or disposing of the public records in their custody. When requested by the Department of Natural and Cultural Resources, public officials shall assist the Department in the preparation of an inclusive inventory of records in their custody, to which inventory shall be attached a schedule, approved by the head of the governmental unit or agency having custody of the records and the Department of Natural and Cultural Resources, establishing a time period for the retention or disposal of each series of records. So long as such approved schedule remains in effect, destruction or disposal of records in accordance with its provisions shall be deemed to have met the requirements of G.S. 121-5(b).

The Department of Natural and Cultural Resources is hereby authorized and directed to conduct a program of inventorying, repairing, and microfilming in the counties for security purposes those official records of the several counties which the Department determines have permanent value, and of providing safe storage for microfilm copies of such records. Subject to the availability of funds, such program shall be extended to the records of permanent value of the cities, municipalities, and other subdivisions of government.

§ 121-5(d)

Preservation of Permanently Valuable Records. - Public records certified by the Department of Natural and Cultural Resources as being of permanent value shall be preserved in the custody of the agency in which the records are normally kept or of the North Carolina State Archives. Any State, county, municipal, or other public official is hereby authorized and empowered to turn over to the Department of Natural and Cultural Resources any State, county, municipal, or other public records no longer in current official use, and the Department of Natural and Cultural Resources is

authorized in its discretion to accept such records, and having done so shall provide for their administration and preservation in the North Carolina State Archives. When such records have been thus surrendered, photocopies, microfilms, typescripts, or other copies of them shall be made and certified under seal of the Department, upon application of any person, which certification shall have the same force and effect as if made by the official or agency by which the records were transferred to the Department of Natural and Cultural Resources; and the Department may charge reasonable fees for these copies. The Department may answer written inquiries for nonresidents of the State and for this service may charge a search and handling fee not to exceed twenty-five dollars (\$25.00). The receipts from this fee shall be used to defray the cost of providing this service.

§ 121-5(d1)

General Assembly. - Notwithstanding any other provision of this section or order, rules, or regulations promulgated or adopted thereunder, the custodian of any General Assembly record shall determine, in the custodian's discretion, whether a record is a public record and whether to turn over to the Department of Natural and Cultural Resources, or retain, destroy, sell, loan, or otherwise dispose of, such records. When requested by the Legislative Services Officer, the Department of Natural and Cultural Resources shall assist in the preparation of an inventory of the records to which the request applies.

§ 121-5(e)

Archives and Records Management Fund. - The Archives and Records Management Fund is established as a special revenue fund. The Fund consists of donations, gifts, devises, and the fees credited to it under Chapter 161 of the General Statutes. Revenue in the Fund may be used only to offset the Department's costs in providing essential records management and archival services for public records pursuant to Chapter 121 and Chapter 132 of the General Statutes.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
21 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
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01	1907	c. 714, s. 5	ENACTED
02	C.S.	s. 6145	RECODIFIED
03	1939	c. 249	AMENDED
04	1943	c. 237	AMENDED
05	1945	c. 55	AMENDED
06	1953	c. 224	AMENDED
07	1955	c. 543, s. 1	AMENDED
08	1959	c. 1162	AMENDED
09	1973	c. 476, s. 48	AMENDED
10	1979	c. 361	AMENDED
11	1979	c. 801, s. 95	AMENDED
12	1981	c. 406, ss. 1, 2	AMENDED
13	1993	c. 539, s. 916	AMENDED
14	1994	Ex. Sess., c. 24, s. 14(c)	AMENDED
15	1997	S.L. 1997-309, s. 13	AMENDED
16	2001	S.L. 2001-427, s. 3(a)	AMENDED
17	2009	S.L. 2009-451, s. 20B.3(b)	AMENDED
18	2012	S.L. 2012-79, s. 2.19(a)	AMENDED
19	2015	S.L. 2015-241, s. 14.30(s)	AMENDED
20	2017	S.L. 2017-57, s. 14.3(a)	AMENDED
21	2023	S.L. 2023-134, s. 27.9(a)	AMENDED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 130A-99	(b)	"Cultural Resources, except as provided in"
G.S. 121-5(b)	(c)	"to have met the requirements of"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 121-5 (2023).

PINPOINT

N.C. Gen. Stat. § 121-5(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1907, c. 714, s. 5; C.S., s. 6145; 1939, c. 249; 1943, c. 237; 1945, c. 55; 1953, c. 224; 1955, c. 543, s. 1; 1959, c. 1162; 1973, c. 476, s. 48; 1979, c. 361; c. 801, s. 95; 1981, c. 406, ss. 1, 2; 1993, c. 539, s. 916; 1994, Ex. Sess., c. 24, s. 14(c); 1997-309, s. 13; 2001-427, s. 3(a); 2009-451, s. 20B.3(b); 2012-79, s. 2.19(a); 2015-241, s. 14.30(s); 2017-57, s. 14.3(a); 2023-134, s. 27.9(a).)

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