Making an
Office Retention Schedule

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Agenda

- Understanding Retention Schedules

- How to Use Retention Schedules

- Developing Office Schedules

- How Long to Keep Records in the Office

- How to Destroy Records

What is a Retention Schedule?

- Lists minimum records retention periods

- Does **not** mandate destruction

- Does **not** address all RM issues

  - ☐ How to destroy records

  - ☐ Identify what records are confidential

  - ☐ Mandate creation of records

  - ☐ Cover non-records

Scope of Schedules

- State Archives develops local government and state agency schedules

- Each covers many governments and agencies

- Certain records not covered by local government Archives schedules

Not Covered by LG Schedules I

- Vital records
  - Birth, death, & marriage: retain original paper record permanently unless the paper record is microfilmed/scanned in which case reformatted copy should be kept permanently and the paper record can be destroyed after 3 years.
  - Burial transit permits: ditto above, but 1 year
  - Correspondence, applications or requests for copies of vital records: destroy after 5 years

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Not Covered by LG Schedules II

- Special authorization for use of item not yet in LG schedules (8 NYCRR 185.5(c))
  - e.g., retention of checks that are received by local government, scanned and then electronically deposited into the bank

How State Archives Develops Retention Schedules

- Archives examines
  - Statutes, regulations, and policy
  - Audit requirements
  - Need for legal evidence
  - Administrative needs
  - Secondary use
- Archives compiles list of retentions
- Subject to regulatory process
- Board of Regents approves

NYS Civil Practice Law & Rules

- 208: Protects legal rights of minors (18 yrs of age plus 3 yrs)
- 211: 20 yrs for bonds, support, and alimony
- 212: 10 yrs for recovery of real property
- 213: 6 yrs for contracts
- 214: 3 yrs for personal injury
- 214-A: 30 mths for medical, dental, or podiatric malpractice

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NYS Criminal Procedure Law

■ Sect. 30.10

   □ None: Class A felonies

   □ 5 years: other felonies

   □ 2 years: misdemeanors

   □ 1 year: petty offenses, including traffic infractions

   □ Extensions in certain cases: misconduct in public office

"Permanent" Records I

- Records of heads of government
- Records of legal counsel
- Records of public relations
- Real property conveyance records
- Records documenting significant impact to environment

"Permanent" Records II

- Records of major public works projects
- Records documenting formation and dissolution of governments
- Records documenting individuals in care and custody of government
- Records that document significant events, including disasters

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Types of Schedules
(For Local Governments)

- Schedule CO-2 (Counties)

- Schedule ED-1 (Schools/BOCES)

- Schedule MI-1 (Misc. gov'ts)

- Schedule MU-1 (Towns, cities, villages, fire districts)

- County Board of Elections Schedule

Why Do You Use a Schedule?

- Keep records as long as required

- Discard records no longer needed

- Improve records retrieval

- Save money and space

- Identify permanent records

- Make your work easier

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How to Use Schedules

1. Adopt the schedule

2. Identify the record series

3. Determine the official copy

4. Check schedule's functional headings

5. Search keywords in electronic version
    http://www.archives.nysed.gov

6. If still no luck, call RAO or Albany

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Can't Find a Match?

- Missed it

- Tried to find too perfect a match

- Mistook one section as the correct one

- Unexpected divisions of sections

- Forgot to check "General" or "Misc."

- Record is not in schedule

Managing the Retention of E-Records

- Follow the appropriate schedule, as you would for records in other formats

- Address retention in system design

- Manage records centrally, as much as possible

- Simplify retention schedule for e-records

Office Retention Schedules

- Concise

- Allow longer retentions

- Identify records by common name

- Include records from disparate schedules

- Indicate retention

- Help implement records management

- Serve as list of records for FOIL

Elements of Office Retention Schedules (Common)

- Department/unit
- Record series title
- Office retention period (active)
- Storage retention period (inactive)
- Total retention
- Archives schedule item number

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Elements of Office Retention Schedules (Less Common)

- Appraisal notes
- Whether official or secondary copy
- Whether confidential
- Type of disposition: trash, shredding, etc.
- Notes on weeding the files
- Other comments?

Types of Office Schedules
Full word-processed office schedules

Pros

- Includes any information you need
- Flexible
- Accessible on computer

Cons

- Updating can be time-consuming

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Types of Office Schedules
Full office schedules in a database

Pros

- Includes any information you need
- Most flexible
- Accessible on computer

Cons

- Must design the database
- Must backup and maintain

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Types of Office Schedules
Case file retention sheet

Pros

- Helps manage difficult files
- Can save time
- Makes difficult decisions easy

Cons

- Used for limited number of series
- More work

Electronic Records and Office Schedules

- **Office schedules**

  - ☐ Indicate if electronic record is official copy

  - ☐ Help manage electronic records

  - ☐ Encourage disposition of electronic records

Student Records Example

Academic Folder					
Who Maintains G/P = Guidance and/or Principal	Document Description	Retention Format E = Electronic P = Paper	NYS Minimum Retention Period	GC7 Retention Period	When Purged
	Report cards		n/a	Permanent	n/a
	Progress reports		n/a	Permanent	n/a
	Student photos		n/a	Permanent	n/a
	Basic academic student profile		n/a	Permanent	n/a
	Information on school entry		Permanent	Permanent	n/a
	Information on withdrawal		Permanent	Permanent	n/a
	Information on graduation		Permanent	Permanent	n/a
	Subjects taken (transcript)		Permanent	Permanent	n/a
	Grades received from examinations (transcript)		Permanent	Permanent	n/a
	Registration forms (*i.e.* home language questionnaire)		6 years after student graduates or would normally have graduated from high school	6 years after student graduates or would normally have graduated from high school	Age 24
	Screening evaluation reports (*i.e.* speech, hearing, vision)		6 years after student graduates or would normally have graduated from high school	6 years after student graduates or would normally have graduated from high school	Age 24
	Remedial program participation record (as per report card)		6 years after student graduates or would normally have graduated from high school	Permanent	n/a
	Teacher comments (anecdotal notes)		6 years after student graduates or would normally have graduated from high school	Permanent	n/a
	Correspondence		6 years after student graduates	6 years after student graduates	Age 24

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Town Legal Dept. Example

Record Series #	Record Series	Office Retention	Storage Retention	Confidential	Comments
	Town Board				
001	Minutes	2 years	0		Town Clerk Official Copy
002	Local Laws	2 years	0		Town Clerk Official Copy
	Planning Board				
003	Subdivisions	Release of bond date + 1 year	2 years	Yes	
004	Site Plans	CO or bond release + 1 year	2 years	Yes	
	Zoning Board of Appeals				
005	SUP's, variance, etc.	120 days	1 year	Yes	
	Litigation				
006	Tax Certiorari	2 years	Case closed + 6 years	Yes	Official Copy
007	Zoning & Planning	2 years	Case closed + 6 years	Yes	Official Copy
008	Code Enforcement	1 year	Case closed + 6 years	Yes	Official Copy
009	Misc/Other	1 year	Case closed + 6 years	Yes	Official Copy
	Personnel				
010	Collective Bargaining & other personnel contracts	Most recent 2 contracts		Yes	
011	Employee Discipline/Grievance	Decision + 3 years		Yes	
	Improvement				

Tax Assessor Example

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
Assessment Rolls – Final	MU-1 #594b	10 years	1 year	9 years
Assessment Rolls – Tentative	MU-1 #594a	5 years	1 year	4 years
Assessor's Report	MU-1 #592	10 years	5 years	5 years
Change of Assessment Notices And Summaries	MU-1 #10b	6 years	6 years	0
E-911 Address Change/Verification Correspondence	MU-1 #10b	6 years	6 years	0
Minutes of Board of Assessment Review	MU-1 #590	Permanent	0	Permanent
Notice of Determination of Board of Assessment Review	MU-1 #590	6 years	6 years	0
Property Assessment Cards	MU-1 #583	Permanent	Permanent	0
Purchase Orders (Duplicate Records)	MU-1 #19	0 after no longer needed	0 after no longer needed	0
Real Property Appraisals	MU-1 #584	4 years after superseded or obsolete	4 years after superseded or obsolete	0
Renewal Applications for Seniors and Disabled Persons	MU-1 #589b	6 years	6 years	0

Tax Receiver Example

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
General Fund subject files	66/256	6 years + current	6 years + current	N/A
Bank Statements	61/263	6 years + current	6 years + current	N/A
General Correspondence	2/10b	6 years + current	6 years + current	N/A
School tax collection files	173/595a	6 years + current	6 years + current	N/A
Town tax bills	173/595a	6 years + current	1 year + current	5 years
School tax bills	173/595a	6 years + current	2 years + current	4 years
Water bills	66/256b	6 years + current	1 year + current	5 years
Water district usage printouts	66/256b	6 years + current	6 years + current	N/A
Town Tax Roll	173/594c	Permanent	3 years + current Microfiche for earlier years is in Clerk's office	N/A
Warrants	173/594c	Permanent	Permanent	N/A

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Town Clerk Example

Records Series	SA #	Office	Storage
Annual Reports	[23]		

Notes:			Total Retention
Building Inspection, Police, Town Clerk's Office		Permanent	

Records Series	SA #	Office	Storage
Cemetery Records	[63]-[69]		

Notes:			Total Retention
		Permanent	

Records Series	SA #	Office	Storage
Dog Kennel License Records	[162]		

Notes:			Total Retention
		0 after superseded or obsolete	

Records Series	SA #	Office	Storage
Peddler and Stadium Vendors Permits	[315]		

Notes:			Total Retention
		3 years after expiration or denial of renewal license	

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Keep Records Longer ?

- Can keep records longer than required

- Do so selectively

- When in doubt: Don't

Determining Longer Retention Periods I

- Decide how long to keep records in office

  (Until they are inactive)

- Determine how long records are active

  ☐ Interview records users

  ☐ Keep use statistics

Determining Longer Retention Periods II

- Decide how long to keep records altogether
  - However long you need them
- Determine need to refer to records
  - Can other records fulfill this need?
  - Is need real, or an office tradition?

Determining Longer Retention Periods III

- Decide if there are historical reasons to keep records longer
- Are records valuable historically?
  - □ When?
  - □ Why?
  - □ What information?
  - □ Who?

Making Sure Offices Use Your Schedule I

- Have offices/units help develop schedule

- Give offices/unit own copies of schedules

- Make schedules part of policy

- Set up formal disposal day each year

Making Sure Offices Use Your Schedule II

- Remind people to clean their files

- Explain how schedule helps them

- Include schedule in all staff orientation

How to Destroy Records

- Choose method of destruction

- Dispose of records appropriately

- Destroy confidential records completely

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Managing Destruction of ER

- Control all computers
  - PCs, laptops, tablets, PDAs, digital cameras
- Control all copies
  - Backups, printouts, microfilm
  - Detachable devices, removable media
- Have method of halting destruction

Destruction of ER

When

- Planning records system
- End of retention period
- Computer reassignment or put into surplus

How

- Physical destruction
- Degaussing
- Overwriting (scrubbing)

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Documenting Disposition

- Maintain record of what is destroyed

  - Keep track of records destroyed

  - For your protection

  - Proves you disposed of records legally

Importance of Schedules

- Disposition is a way to control records

- Office schedules help formalize RM

- Appropriate destruction solves problems

- Documenting disposition avoids problems

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Questions?

Thank you all for coming!