

*[Text of memo from KDLA that accompanied July 14, 1994 letter to UK]*

## **State University Model Records Retention Schedule**

### **Introduction: Managing Our Records--A Cooperative Undertaking**

**by the Kentucky Department for Libraries and Archives**

All of us, whatever our daily work may be, need good records to do our jobs. As employees of publicly funded institutions, we have a special responsibility under Kentucky law to see that information which we create and maintain - public records, as defined by statute - whether in paper, electronic or other formats, is organized and accessible for use. Information in our records may serve a variety of needs, and how long records are kept depends on their value, whether legal, fiscal, administrative, or historical. For records with permanent value, special steps need to be taken to ensure their protection, availability and preservation. For those not needed permanently, systematic provision also needs to be made. Some records may be destroyed at an approved time right in our offices, when their use and value have expired. Others may be moved to off site locations for temporary storage and subsequent destruction.

Uncontrolled proliferation of records can seriously impair our effectiveness and ability to do our work, while increasing the cost of operating. Likewise, the inability to find needed information or the unauthorized or premature destruction of records can place the university at major risk and liability and severely disrupt normal administrative and research functions. Regular implementation of a records management program can help us control the records we create, as well as the costs associated with their maintenance, while assuring the protection and sound maintenance of information needed for ongoing purposes. In a time of limited resources, this is especially critical. Implementation of a records management program involves the participation of university personnel and the university's Records Officer, working in cooperation with the Kentucky Department for Libraries and Archives (KDLA) and the State Archives and Records Commission. Under Kentucky law, the president of the university, as the head of a public agency, KDLA, and the Commission each have specific responsibilities for ensuring that records are well managed and that permanently valuable records are preserved, protected, and accessible. This introduction to the State University Model Retention Schedule includes a brief description of the roles of these parties in the records management process, followed by a section on records terminology you will find helpful as you use the schedule.

### **The Role of the Agency Head**

The head of a public agency has a key role in ensuring the implementation of a records management program. Under the terms of KRS 171.680, the agency head is required to establish and maintain an active, continuing program for the economical, efficient management of the records of his or her agency. The law mandates that the program should include:

1. effective controls over the creation, maintenance, and use of records in the conduct of current business;
2. cooperation with KDLA in applying standards, procedures, and techniques designed to improve the management of records;
3. promotion of the maintenance and security of records considered appropriate for preservation, and facilitation of the segregation and disposal of records of temporary value; and
4. compliance with the provisions of the Commonwealth's public records management statutes, KRS 171.410 - 171.740, and the rules and regulations of the Kentucky Department for Libraries and Archives.

An essential part of a fully implemented records management program is regular application and use of an approved records retention schedule. A schedule is a list of each record type, what is termed a "record series," created by an institution. A current, accurate records retention schedule should represent a comprehensive inventory of the information resources of an institution.

An agency's Records Officer, representing the agency head and named by him or her to serve as liaison for records management issues with KDLA, typically works with the agency's staff to compile the schedule in draft form, prior to its review by KDLA personnel and the State Archives and Records Commission. Once the schedule (or updates to

it) is approved by the Commission, the agency may apply the schedule to its records management needs, with the confidence that it has the legal authority to make disposition of its records following the directions contained in the schedule. The scheduling process is described in more detail below, in the section dealing with the role of KDLA. While the schedule is a comprehensive expression of the agency's information resources, it also reflects the way an agency meets the requirements of KRS 171.640. Under its terms, the agency head is also responsible for seeing that records containing adequate and proper documentation of the organizational functions, policies, decisions, procedures, and essential transactions of the agency - records designed to furnish information necessary to protect the legal and financial rights of the government and of persons directly affected by the agency's activities - are made and preserved.

Another important role delegated to the agency is ensuring the proper storage of records. By the terms of KRS 171.690, whenever agency heads determine that substantial economies or increased operating efficiency can be achieved, they are directed to provide for the storage, processing and servicing of appropriate records in the records center maintained and operated by KDLA, or, when approved by KDLA, in a location maintained and operated by the agency itself.

Providing for the protection of records is another essential responsibility delegated to agencies, and as directed by KRS 171.710, the agency head is required to establish those safeguards against removal or loss of records that are believed necessary or which may be required by KDLA rules and regulations. These safeguards must include advising all officials and employees of the agency that no records are to be transferred to another party or destroyed except in accordance with law, and calling their attention to the penalties provided by law for the unlawful removal or destruction of records.

The agency head is also directed to notify KDLA of any actual, impending or threatened unlawful removal, defacing, alteration or destruction of records in the custody of the agency which may come to his or her attention, and with KDLA's assistance, to initiate action through the Attorney General for recovery of any records which may have been unlawfully removed and for any other redress which may be provided for under the law.

The agency head plays an important role in the records management process, and in all of these actions, he or she can depend upon the cooperation of KDLA staff and the State Archives and Records Commission.

## **The Role of the Kentucky Department for Libraries and Archives**

The Kentucky Department for Libraries and Archives is responsible, under the terms of KRS 171.450, for managing and controlling records, in whatever medium, created by state and local government agencies in Kentucky.

Specifically, under the terms of KRS 171.410-740, KDLA establishes standards, procedures, and administrative regulations for recording, managing, preserving and reproducing public records (records produced by a publicly funded body).

Working in close collaboration with government agencies and their records officers, KDLA prescribes policies and principles to be followed by those agencies in managing their records, serves as the central repository for public records in Kentucky, and sets rules governing the transfer of records from one agency to another. Records housed at the State Archives are made available for research through KDLA's Archives Research Room.

At the core of KDLA's program to manage government information is a systematic process of identifying, describing and analyzing each type of record or record system created by an agency. This leads in turn to a preliminary assessment or appraisal of the administrative, legal, fiscal, evidential and future research or informational value of each record type, what is termed a "record series." These values, and any special directions for the management or disposition of this information during and after its active office life, are expressed in a draft records retention schedule and are submitted to the State Archives and Records Commission for its final approval. The resulting approved records retention schedule furnishes public agencies with clear legal authority to make disposition of their records and with a strong resource for management control. They allow public officials to determine which records must be retained permanently and which records may be destroyed after a certain period of time. They become the basis for each agency's records management program, ensure accountability for the information being produced, and provide agencies with a valuable resource with which to respond to information requests under Kentucky's Open Records Law. Without an approved records retention schedule, an agency (state or local) does not have the legal authority to destroy any of its records, regardless of their format, and can incur substantial costs or liabilities if such destruction occurs.

# The Role of the State Archives and Records Commission

Pursuant to KRS 171.420 - 171.440, the State Archives and Records Commission has the authority to review and approve all records retention schedules submitted by state and local public agencies. The Commission also advises the Kentucky Department for Libraries and Archives on matters relating to archives and records management. In all cases, the Commission has final and exclusive authority to determine the ultimate disposition of Kentucky's public records. Under the terms of KRS 171.420, its decisions are binding on all parties concerned, and those decisions can only be modified or otherwise changed by its own actions.

The Commission is a seventeen member body composed of:

- the State Librarian, who serves as chairman of the Commission;
- the Secretary of the Cabinet for Education, Arts and the Humanities;
- the Auditor of Public Accounts;
- the Chief Justice of the Supreme Court;
- the Director of the Legislative Research Commission;
- the Attorney General;
- the Director of the Office of Policy and Management;
- the Commissioner of the Department of Information Systems;
- one member representing the University of Kentucky;
- one member representing the Kentucky Historical Society;
- one member representing the Kentucky Library Association;
- one member representing regional universities and colleges;
- one member representing local governments; and
- four citizens-at-large.

The make-up of the Commission ensures that Kentucky, its people and its government are fairly represented and that the records which document the administration of government and which impact every facet of the lives of our citizens are given their rightful disposition. Not only does the Commission act to ensure that records of enduring value are preserved for use by future generations, it also assures a more efficient and economical use of Kentucky's tax dollars by providing for the timely destruction of records that have ceased to have value. Its decisions, therefore, ensure that the intent of Kentucky's Public Records Law, as defined in KRS 171.410 - 171.740, is met.

## Records Terminology: A Glossary of Terms

### Public Record

KRS 171.410, Section (1), defines "public record or record" as "all books, papers, maps, photographs, cards, tapes, disks, diskettes, recordings, and other documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency."

While all records created by public agencies, state or local, are public (government) records, not all are open records (that is, open to public inspection) under Kentucky's Open Records laws.

### Public Agency

KRS 171.410, Section (4), defines "public agency" as "every state or local office, state department, division, bureau, board, commission and authority; every legislative board, commission, committee and officer; every county and city governing body, council, school district board, special district board, municipal corporation, and any board, department, commission, committee, subcommittee, ad hoc committee, council or agency thereof; and any other body which is created by state or local authority and which derives at least twenty-five percent (25%) of its funds from state or local authority."

### Adequate and Proper Documentation

All public agencies, state and local, are responsible for creating and preserving records that adequately and properly document "the organizational functions, policies, decisions, procedures, and essential transactions of the agency" (KRS 171.640). Complete and accurate records are essential to:

1. protect legal, financial, and other rights of the government and the people;
2. ensure continuity and consistency in administration;
3. assist public officials and their successors in making informed decisions; and
4. provide the information required by the Kentucky General Assembly and others for overseeing the activities of government.

By creating and maintaining adequate and proper documentation, public officials are able to:

1. reconstruct the development of their own and their predecessors' policies and decisions;
2. furnish their successors with information needed to understand past and current actions; and
3. leave an enduring record of their public service.

### **Records Retention Schedule**

As noted in the Introduction, at the core of KDLA's program to manage government information is a systematic process of identifying, describing and analyzing each type of record or records system created by an agency. This work leads to a preliminary assessment of the administrative, legal, fiscal, evidential and future research or informational value of each record type, what is termed a "records series." These values, and any special directions for the management or disposition of this information during and after its active life, are expressed in a draft records retention schedule and are submitted to the State Archives and Records Commission for its final approval.

The resulting approved records retention schedule furnishes public agencies with clear legal authority to make disposition of their records, regardless of their format, and with a strong resource for management control. The schedule becomes the basis for each agency's records management program, ensures accountability for the information being produced, and provides agencies with a valuable resource with which to respond to information requests under Kentucky's Open Records laws. < P> Without an approved records retention schedule, the agency does not have the legal authority to destroy any of its records, regardless of their format, and can incur substantial costs or liabilities if such destruction occurs.

## **State University Model Records Retention Schedule**

In September 1991, James A. Nelson, Commissioner of the Kentucky Department for Libraries and Archives, State Librarian, and Chairman of the State Archives and Records Commission, advised each of the university presidents about KDLA's plans to create, in cooperation with each campus, a model records retention schedule for use by the state's eight public universities.

From the early 1970's to the late 1980's, KDLA staff worked individually with each university in the development of their records management programs, with the result being partial or complete retention schedules for most of the eight universities. In assessing how best to complete retention schedules still needed for the universities, KDLA staff suggested a plan to build upon the previous work with each campus to provide a common or "model" schedule to meet the needs of all campuses. University records officers believed this to be the most productive approach, since most of the records created in a university setting are shared across all campuses. They also believed this approach would meet the immediate records management needs of the entire university community.

To facilitate the concept of the development of a model schedule and to formally recognize the collective, cooperative effort of university records officers, the State Archives and Records Commission, at its December 1992 meeting, created the Advisory Committee to the State Archives and Records Commission on University Records. The Committee is composed of the eight records officers from each of the universities, plus an additional member from the University of Kentucky, University of Louisville, and Morehead State University. The members are:

1. University of Kentucky
  - Dr. Terry Birdwhistell, Records Officer
  - Pam Brackett
2. University of Louisville
  - Dr. William J. Morison, Records Officer
  - Margaret Merrick
3. Eastern Kentucky University
  - Charles Hay, Records Officer
4. Morehead State University
  - Larry X. Besant, Records Office
  - Clara Keyes
5. Kentucky State University
  - Karen McDaniel, Records Officer
6. Western Kentucky University
  - Dr. Michael Binder, Records Officer
7. Murray State University
  - Dr. Coy L. Harmon, Records Officer
8. Northern Kentucky University
  - Marian Winner, Records Officer

A retention schedule identifies the minimum time period a record needs to be maintained and provides instructions for its final disposition, either destruction or transfer (to the University Archives) for permanent retention, once that period has expired. The schedule applies to a record regardless of its format. When records are scheduled, it is the information they contain that is being evaluated. The format of the record is how it is preserved, not why it is scheduled. In other words, if the record exists in a filmed format and in a paper format and its total retention period is three years, then both the film and the paper should be destroyed when the retention period has expired. If a record exists in several different formats, retention guidelines for the record will apply regardless of its several formats.

Agencies generally should not retain records beyond their retention periods, simply because they are in more condensed formats, such as microforms or electronic media. Records are retained based on the justified administrative, fiscal, legal or historical value of the information they contain and not because their formats require less space to maintain.

The value of a "model" schedule is that it identifies and provides for management and control of the large quantity of record types common to all universities, eliminating the need to schedule these records individually for each campus. Most important, a model schedule reduces the redundancy which can occur in developing eight individual schedules, where many records may be repeated many times. Its development also makes more efficient use of limited KDLA and university staff resources. At the same time, any records truly unique to a campus can be included and fully described. Model schedules have been developed by KDLA and used very successfully in other settings where comparable public agencies in different geographical jurisdictions create and maintain comparable records.

The State University Model Records Retention Schedule is being developed incrementally by KDLA and university staff. The more than 7,000 individual university records series, which were previously scheduled, with retention and disposition instructions approved by the State Archives and Records Commission, are being re-evaluated and their retentions examined in light of current fiscal and legal requirements, for inclusion in the model schedule. The first two components of the model, which were approved by the State Archives and Records Commission at its March 1994 meeting, accompany this introductory and preface material.

The first component is for General Records. This schedule provides retention and disposition instructions for records common across each of the eight campuses. The schedule is divided into categories for Miscellaneous Records, Fiscal Records, Personnel Records, and Student/Course Records. These common records account for the highest volume of records created by individual campuses and represent much of the duplication present in administrative offices. If university staff know of any relevant records not currently listed but which should be included in this component, they should contact their records officer so that steps can be taken to incorporate them into the schedule.

The second component provides for retention and disposition of records created by university business affairs/accounting offices. Again, the records identified in the schedule represent a high portion of the administrative records being created and maintained by individual campuses. Any records not present but which should appear in this schedule will be added as they are identified.

## **Implementation of the Model Schedule Components**

The components noted above are the initial efforts to develop the model and clearly do not represent a fully developed schedule. Therefore, it will be necessary for each university campus to use both these components of the model and any schedules previously approved for that university when implementing retention requirements. If the record being considered for destruction or transfer to the university archives for permanent retention appears in either of the schedules approved in March 1994, then the retention and disposition instructions for the record have been re-evaluated and those in the model schedule are the most current and should be used, and any previous schedules for the same record should be disregarded. If the record being considered for final disposition does not appear in the model components, then previous schedules, if they exist, should be consulted and the retention and disposition instructions from those schedules followed. If the record does not appear in either component of the model schedule or in any previously approved schedules, consult your records officer to determine the status of the record and whether permission from the State Archives and Records Commission will be necessary before final disposition can be made, or whether the record should be added to the model schedule.

Development of the entire model is scheduled to occur over the next two years, so it will be necessary in the interim to use both current and previously approved schedules. As administrative units are added to the model, previously approved schedules will eventually become obsolete. The most current retention period found is the one which should be used when making final disposition of a record.

The model will provide for retention and disposition of records unique to a given campus, as those records are identified, described, and their value appraised.

## **Permanent Records**

Records which have been appraised by KDLA staff and by university staff as having sufficient historical, informational, or evidential value to the university that their continued preservation beyond the time they are needed for administrative, legal, or fiscal purposes is warranted. Such records are preserved because they constitute evidence of the university's functions, policies, decisions, procedures, and operations. Generally, permanent records comprise only 5% to 7% of an organization's total records.

Examples of permanent records include but are not limited to: official correspondence; minutes of meetings of Board of Trustees, Board of Regents, President's Cabinet, Faculty Senate, Department and Administrative units; special studies; publications; annual reports; and audit reports.

## **Non-Permanent Records**

### **Fixed Retention Records**

These are records with specific, fixed, retention periods, such as three years, six months, fifty years. The duration of a record's administrative, fiscal, or legal value is defined by both agency use and state and federal requirements. Recommended retention periods are determined by KDLA staff and by the university's Records Officer during the scheduling process and are fixed and authorized when approved by the State Archives and Records Commission. To realize economic benefits, the agency should destroy its non-permanent records when retention periods expire, unless some legal action is pending.

### **Indefinite Records**

The term "indefinite" is not a retention period and does not mean permanent. Indefinite means the period of time before the retention of the record begins. For example, the retention period for Leave Accrual Reports is five years, but the retention does not begin until the individual's employment with the university is terminated. In this case, the indefinite period is the time between creation of the record and termination of employment, which triggers the five year retention period. Another example is a lease. The retention period of a lease is triggered by its termination or cancellation. In the case of reference and informational material, the retention is determined by when the records cease to be of value administratively, which could be one day, one month, or several years. The disposition instructions in the schedule explain conditions under which indefinite records may be destroyed.

### **Fiscal Records**

Summary fiscal records which provide a general picture of the fiscal operation of the university must be kept permanently. Examples include: operating budgets, audit reports, annual financial reports, and journals and ledgers. These and similar records are identified in the records retention schedule.

### **Auditable Records**

Records of the university which are subject to audit are those which relate to financial transactions or represent an audit trail. Audits may be either fiscal or compliance in nature. When the word "audit" appears in the disposition column of the records retention schedule, it refers to state, federal, or internal agency fiscal or compliance audits. In the case of fiscal or compliance audits, such audits are prepared or approved by the Auditor of Public Accounts. Audits of university records intended to meet state requirements occur annually and are completed by independent auditing or accounting firms, with the express approval of the State Auditor's Office.

Unless otherwise supported by Kentucky Revised Statutes or federal regulations specifying a longer retention, the retention requirement for records subject to audit, as approved by the Auditor of Public Accounts, is three years. If the university is aware of the need to maintain records longer than the standard three year period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records which have been identified as subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records which are subject to audit also fall into the category of indefinite records because it is the completion of the audit which actually triggers the retention period of three years. The schedule reflects a "three year" retention period in the agency with a disposition of "destroy after audit." This means that the record must be retained by the agency for three years after the audit has been completed, even though the university is audited annually. In other words, the

record can only be destroyed after the audit has been completed and three years has elapsed. This ensures that all records which have been audited are available for further review, should there be exceptions to the completed audit. The indefinite period, then, is the time between creation of the record and completion of the audit. In addition, when not audited within the "three year" period, the record must still be retained until the audit is completed, unless a written release has been obtained from the Auditor of Public Accounts or the federal agency having jurisdiction over the record.

## **Personnel Records**

The departmental copy (or duplicate) of university personnel records for faculty and staff may be destroyed five years after termination of employment. The originals of these records are retained permanently by the university's personnel office. Individual departments or units should contact the university personnel office for information about specific documents maintained within the duplicate file which should be transferred to the personnel office for inclusion in the master file prior to termination of employment.

Subunit copies of personnel files may be destroyed two years after termination of employment with the university.

## **Vital Records**

Vital records are defined as those records essential to the continued functioning of the university during and after an emergency, and also those records essential to the protection of the rights and interests of the university and of the individuals for whose rights and interests it has responsibility. Vital records are identified in the retention schedule with a "(V)." The records which have been identified as vital on the retention schedule may not be fully inclusive; therefore, university staff should identify the additional records which may be vital and take the necessary steps to ensure their protection.

All records which have been identified as vital to the university should be isolated and protected so as to ensure their availability should the need arise. Vital records protection methods include: 1) natural dispersion (that is, duplicates of vital records are dispersed to off-site locations by virtue of the university's normal operating procedures); 2) duplicating the record and storing it off-site in a protected environment; 3) duplicating the record and storing it on-site in a protected environment; 4) storing the record in its original form on-site at the end of the day in a protected environment; and 5) storing the record in its original form off-site at the end of the day in a protected environment. Because a record is vital to the university does not mean its retention is always permanent, nor is a record judged of permanent value always equal to a vital record. A vital record can be essential to the university for a portion of the retention period or for the entire period, depending on what the record documents and how it is used in the normal course of business. Generally, vital records comprise less than 5% of the total records of an organization.

## **Confidential Records**

While all records created by a public agency, using public funds and public employees, in carrying out its official business are public records, not all of those records are open to inspection. For example, medical records created by the University of Kentucky Medical Center are public records because the Medical Center is a part of the university, which is a public agency; however, medical records are not open to public inspection because of statutory restrictions on access.

Whether a record is open to public inspection is a matter determined by the application of the state's Open Records laws and other relevant statutes, or federal regulations. Public inspection of confidential records is restricted.

Records of the university which are considered to be confidential and to which a claim of restricted access can be supported by a proper citation from Kentucky's Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority are identified on the retention schedule with a "(C)", plus the accompanying legal citation which restricts access.

The State University Model identifies records which are considered confidential through application of the federal Family Educational Rights and Privacy Act (FERPA) of 1974, commonly known as the Buckley Amendment. In general, federal access laws apply to federal records and state access laws apply to state and local records. One of the major exceptions to this proposition is the federal law governing records of identifiable students attending schools that receive federal financial aid, or the Buckley Amendment.

This law has a direct effect on university archives and records management programs. First, as educational records are not defined in terms of records systems, all records in which student names appear may be covered, with the following exclusions: institutional personnel records, institutional law enforcement records that fall within a narrow definition, and medical records of students who are either eighteen years of age or older or who are attending

postsecondary institutions. The amendment could be interpreted to cover records reporting spontaneous campus events as well as classic student records of the registrar's office. Thus the series which are identified as carrying FERPA access restrictions on the retention schedule may not be the only ones so covered. Depending on the university's interpretation of the Amendment and its own access policies, additional restrictions may need to be identified and so noted on the retention schedule.

Second, the amendment sets no time limit on the duration of the restrictions, which can present problems for those responsible for responding to open records requests. Archivists and records officers will have to work closely with the university's lawyers and administrators in the identification of records which may be restricted under the Amendment and the conditions under which access to them may be granted.

In addition, HB 176, which creates new sections of KRS Chapter 160 to establish Kentucky's equivalent of the Family Educational Rights and Privacy Act, was enacted into law during the 1994 Regular Session of the General Assembly. University administrators should review the requirements of this law, which becomes effective July 15, 1994, to determine its impact on restrictions on access to student records.

## **Explanation of General Records Series**

### **Official Correspondence**

Official correspondence is a permanent record which documents the major activities, functions, and programs of the university and the important events in its history. It is critical that official correspondence be preserved as it provides a record of policy evolution and formulation, how and why decisions are made, and the effect of those decisions upon the university and its constituencies. Without official correspondence, we lose much of the understanding of the administration of an organization. Its retention, therefore, is crucial to the preservation of the administrative history of the university.

In general, the correspondence of the president of the university, as well as that of vice-presidents and other administrative heads is considered to be official correspondence.

### **General Correspondence**

General correspondence is correspondence which is not crucial to the preservation of the administrative history of the university. It is generally of a non-policy nature and without permanent value. It deals only with the general operations of the university, operations which are better documented by other records. General correspondence should be retained no longer than two years. However, before destruction occurs, the files should be screened to remove any official correspondence which may be present.

### **Publications and Reports**

A university publication or report is any published material, regardless of format, which documents university-related functions or activities. Publications and reports contain important facts and statistics about the operation of the university and its policies and are retained permanently because they provide information, often in summarized form, which aids in understanding the administrative functioning of the university.

Examples of publications may include manuals of operations, printed policies and procedures, catalogs, commencement programs, and annual reports. One copy of each publication or report should be transferred to the University Archives for permanent preservation and one copy should be retained in the creating unit.

### **Unpublished Reports**

Unpublished reports, such as special internal studies or research projects, also contain important narrative and statistical information on the operation of the university and should be retained permanently. One copy of each unpublished report should be transferred to the university archives for permanent preservation and one copy should be retained by the creating unit.

### **Kentucky State Agency/University Cooperative Publications**

Kentucky state government agencies provide funding for a number of university research projects and/or programs across the Commonwealth. Many of these projects and programs produce published reports. Because these publications document information on a statewide basis, and because of their relationship with the sponsoring state government agency, they are included in KDLA's state publications holdings.



Program examples include: Kentucky Department of Criminal Justice Training (Justice Cabinet) at Eastern Kentucky University; Kentucky Municipal Law Center (Kentucky Department of Local Government) at Northern Kentucky University; and the Kentucky Cancer Registry (Cabinet for Human Resources) at the University of Kentucky.

Three copies of each Kentucky State Agency/University Cooperative publication should be forwarded to the Kentucky Department for Libraries and Archives, State Publications Program, Public Records Division, 300 Coffee Tree Road, P.O. Box 537, Frankfort, Kentucky, 40602. In addition, one copy of each publication should be transferred to the University Archives for permanent preservation and one copy should be retained in the creating unit.

## **Minutes of Meetings**

The following have been identified as formally constituted units which operate within public universities, and which are subject to public records management statutes: Board of Trustees, Board of Regents, President's Cabinet or similar body, Faculty Senate, and committees of departments, colleges, administrative units or other academic bodies. This list is not meant to be inclusive but rather indicative of the types of meetings which might be held and for which minutes should be created and retained. Minutes of meetings constitute proper documentation of essential university transactions and organizational functions, as required in KRS 171.640. While individual committees within a university are not public agencies in and of themselves they are an integral part of an existing public agency. The requirement to document committee actions then is the same that applies to other elements of the universities.

One copy of each set of approved minutes should be transferred to the University Archives for permanent preservation and one copy should be maintained in the creating unit.

Tapes or stenographic notes from which minutes are prepared also should be retained by forwarding them to the University Archives. Since minutes which are produced from tapes or notes are not always verbatim transcriptions, the original tapes and notes should be retained as supporting documentation.

## **Informational and Reference Materials**

Informational and reference materials are aids of a technical or non-technical nature used in the conduct of official business. The disposition for such materials is "destroy when no longer useful" to the receiving unit. Examples of informational and reference materials may include externally created brochures and publications, duplicate copies of memoranda which do not require action by the receiving unit, literature not related to day-to-day activities, and some tracking tools, such as logs.

## **Destruction of Public Records**

Records retention schedules, which have been approved by the State Archives and Records Commission, provide the only legal authority for the destruction of public records. All public records eligible for destruction must be disposed of according to the disposition instructions in the university's records retention schedules. When a record does not appear in the schedules, or when no approved schedules exist for the agency, destruction may occur only with special permission of the State Archives and Records Commission.

## **Methods of Destruction**

There is no preferred method for destroying public records except when a specific method is required by law. The Kentucky Department for Libraries and Archives' Public Records Division suggests that records of a sensitive or confidential nature be burned or shredded. If shredding is the method selected for the destruction of confidential records, it is recommended that the shred be 1/4 inch or less. A shred of this size prevents the reconstruction of information presumed destroyed. Other records may be recycled, buried, placed in a dumpster, or destroyed by any other means.

## **Procedures for Destruction of Records at the University**

The university's Records Officer is responsible for supervising the destruction of records in the agency, listing them on Records Destruction Certificates (form PRD 50, rev. 4/84), certifying with signature and date, and forwarding the certificates to the Kentucky Department for Libraries and Archives, Public Records Division, State Records Branch, 300 Coffee Tree Road, P.O. Box 537, Frankfort, Kentucky, 40602.

Destruction of records should be reported to KDLA's Public Records Division as they occur. To request supplies of Destruction Certificates, please contact your university's Records Officer. In no case should records be destroyed without the prior approval of the Records Officer.

When records, listed on the university retention schedules, are eligible for destruction, record them on a Records Destruction Certificate. Forms are available from your university's Records Officer. After the certificate has been approved by the Records Officer, signed and dated, and destruction has been completed, forward the top two sheets (white and yellow copies) of the certificate to KDLA's State Records Branch. The Records Officer should retain the third sheet (pink copy) for the agency's file.

Additional information required on the certificate includes: 1) date form is completed; 2) agency identification; 3) schedule date, located in the upper right hand corner of the university's retention schedule or from the signature page of the schedule; 4) that destruction is occurring in the agency, as opposed to the State Records Center or State Archives Center; 5) method of destruction; 6) actual date of destruction; 7) series number of the record, as it appears on the retention schedule; 8) record title and description, as it appears on the retention schedule; 9) approximate date span of the records being destroyed; 10) volume in cubic feet; 11) total volume in cubic feet of records destroyed. The Records Officer will sign and date the certificate in the space identified for "Destruction at Agency." For further information on or clarification of these procedures, contact your university's Records Officer.