Records Retention 101
for Local Governments

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www.tsl.texas.gov/slrm

Records Management Assistance

- 6 Government Information Analysts
  - 150 state agencies
  - 10,000+ local governments
- Consulting and Training
  - Retention, destruction, imaging, managing email, disaster preparedness and recovery...
- Retention Schedule Reviews/Development

Today’s goals

- Learn basic records management definitions and concepts.
- Understand why retention rules exist, and how they are developed.
- Know where to find how long to retain your records.
- Get your retention questions answered!
Why Do We Have Retention Rules?

Public Information Act (Government Code Chapter 552)

Open Meetings Act (Government Code Chapter 552)

Records Management Laws (Government Code Chapter 441)

Local Government Records Act

Bulletin D
- Definitions
- Local authority and compliance requirements
- Role of Records Management Officer (RMO)


Records Management
A Local Government Record...

- Documents the transaction of public business
- Is created or received by a local government
- Is a record whether it is open or closed
- May exist in any medium (on any device)

“Non-Records”

- **Convenience copies:** “Extra identical copies of documents created only for convenience of reference or research” (Local Government Code §201.003(8)(A))
- Copies of documents furnished to the public as part of a Public Information Act request

“Non-Records”

- Blank forms/stocks of publications
- Library or museum materials
- Alternative Dispute Resolution working files
Record Value

- Fiscal
- Historical
- Administrative
- Legal

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Primary Value vs. Secondary Value

**Primary value:**
Proving that you can drive legally.

**Secondary value:**
- Voting
- Applying for loan
- Lottery tickets / R movies / 6th street!
Can’t we just keep everything?

• There are consequences of keeping things too long...
  – Storage costs (physical & electronic)
  – Time spent on retrieval
  – Responsibility for protecting records
  – Legal risk

Can’t we just get rid of it all?

• Intentional destruction is unlawful
  – Except for a court order from a judge!
• Consequences for not keeping records long enough
  – Criminal penalties and fines under the Public Information Act
Designating a “Record Copy”

- Which copy of a record needs to be kept for the full retention period?

RECORDS RETENTION SCHEDULES

A how-to guide

“Records Retention Schedule”

- Recorded information that documents government business
- The continued possession, use, or control of something
- A plan for carrying out a process
Record Series

- A grouping of records that all serve the same function and are all kept the same length of time.

Employment Applications

- Application form
- Résumé
- Cover letter
- Transcripts
- Letters of reference

Retention Period

- The length of time you must keep a record.

Employment Applications

- Application form
- Résumé
- Cover letter
- Transcripts
- Letters of reference

Local Retention Schedules

- **GR – General Records**

<table>
<thead>
<tr>
<th>Code</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC</td>
<td>County Clerk</td>
</tr>
<tr>
<td>DC</td>
<td>District Clerk</td>
</tr>
<tr>
<td>EL</td>
<td>Elections/Voter</td>
</tr>
<tr>
<td>HR</td>
<td>Health</td>
</tr>
<tr>
<td>JC</td>
<td>Junior Colleges</td>
</tr>
<tr>
<td>LC</td>
<td>Justice/Municipal Courts</td>
</tr>
<tr>
<td>PS</td>
<td>Public Safety</td>
</tr>
<tr>
<td>PW</td>
<td>Public Works</td>
</tr>
<tr>
<td>SD</td>
<td>Schools</td>
</tr>
<tr>
<td>TX</td>
<td>Taxation</td>
</tr>
<tr>
<td>UT</td>
<td>Utility Services</td>
</tr>
<tr>
<td>PL</td>
<td>plus...</td>
</tr>
</tbody>
</table>

How does TSLAC set retention periods?

- Federal and state laws, statutes, and regulations
- Appraisal of fiscal, administrative, legal, and/or historical value
- Recommendations from organizations

The Local Schedules

<table>
<thead>
<tr>
<th>Record Number</th>
<th>Record Title</th>
<th>Record Description</th>
<th>Retention Period</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>GR1000-03f</td>
<td>MINUTES</td>
<td>Certified audiotapes of closed meetings</td>
<td>2 years</td>
<td>By law - Government Code, Section 551.104(a).</td>
</tr>
</tbody>
</table>

How to read a records series

- Unique # assigned to this record series by TSLAC
- What TSLAC calls this series
- The scope of the series: what kinds of records would be classified here
- Minimum amount of time you have to keep these records
- Statutes that govern the retention of this record series and other notes about retention added by TSLAC
Retention Codes

• AV – As long as Administratively Valuable
  – The record’s immediate purpose has been served.
  – You may destroy it whenever it ceases to have value to your government.

• FE – Fiscal Year End
  – The last day of the fiscal year.

• US – Until Superseded
  – The record is replaced by an updated version.

RECORDS MANAGEMENT ASSISTANCE
Help is just a phone call away!

What to do when...

• ...you don’t know what to do?
• Look at the website
  – https://www.tsl.texas.gov/slrm
• Call or email your TSLAC analyst
  – Main number: 512-463-7610
  – Email slrminfo@tsl.texas.gov
• Call your RMO!
Records Management Officer

RMO Duties include:
- Administering the Records Management Program
- Submitting compliance paperwork to TSLAC
- Identifying and taking adequate steps to preserve permanent and essential local government records
- Disseminating information regarding records management

How can you help?
- You are the subject matter expert
- Have a conversation with your RMO
  - Do you have new records?
  - Are you managing email correctly?
  - Are there records that are ready to be destroyed?

How we can help...
- Things we might ask first:
  - What is the record used for?
  - Who handles the record?
  - Is this submitted elsewhere?
  - Can you send me a sample?
Example #1: How long do I keep _____?

**How long do I keep insurance policies?**

**GR1000-29 Insurance Policies**

4 years after expiration or termination of the policy according to its terms.

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Example #2: How long do I keep _____?

**How long do I keep employee personnel files?**

- Certificate/License
  - (US or separation of employee + 5 years)
- Employment Application
  - (2 years from the creation or receipt of the record or the personnel action involved, whichever later)
- Performance Appraisals
  - (US + 2 years or separation of employee +2 years)
- Employee Service Record
  - (Date of separation + 75 years)

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Example #3: You call it X, we call it Y

**How keep do I an ETR-35?**

**GR1050-28a Training and Educational Achievement Records**

Date of separation + 5 years
Example #4: It’s not in the schedule

How long do I keep emails?

CONTENT

GR1050-14
Employment Applications

Example #5: No, it’s really not in the schedule

If an 8th grader takes the STAAR Algebra test, how long should we retain that record?

INVENTORY AND DISPOSITION

First and last steps
Benefits of Inventory

- Tells you what you have – record series, media, date ranges
- Shows volume of records
- Identifies records eligible for destruction


Records Inventory

- When to do an inventory
  - Periodically (perhaps annually)
  - New program / new functions
  - Scanning project planning
  - EDRMS implementation

Definition

- Actions taken with regard to government records
- Disposition ≠ Destruction
- Disposition is a **comprehensive** term that includes both destruction and transfer of government records to archival institutions.

When To Do Disposition

• Maintain regular schedule
  – Fiscal Year End
  – Calendar Year End
  – Slow time of year

Don’t wait!

• Accidental loss of records
• Human error
• Perception from the public, media

Records Disposition Log

• A log of the records to be destroyed
• Not required for local governments, but strongly recommended
Destruction Hold

If:

• Litigation
• Public Information Request
• Audit, Claim, Negotiation
• Administrative Review
• Other action involving the record;

Then:

• “may not be destroyed until the completion of the action and the resolution of all issues that arise from it.”


BEYOND THE BASICS

Further considerations for managing records
Confidential Records

- Secure environment
- Follow security procedures
- Office of the Attorney General
  - (877) OPEN-TEX (673-6839)
  - publicrecords@texasattorneygeneral.gov
  - https://www.texasattorneygeneral.gov/og/open-government

Permanent Records

- TSLAC shall adopt rules for storage of permanent and historical court records.

Continuing Education

- Managing email
- Storage Rules
- Imaging projects
- Shared drive management
- Disaster recovery/salvage
- And more!
Stay Connected

https://www.tsl.texas.gov/slrm/blog/

The Texas Record blog:
- Announcements
- Upcoming training
- New services
- Featured questions

Contact your analyst!
- Find the analyst assigned to your county: http://bit.ly/lg-contact
- Main phone line: 512-463-7610
- Email us: slrm_info@tsl.texas.gov