

# Records Retention 101

**for Local Governments**

**SLRM**  
STATE AND LOCAL RECORDS MANAGEMENT

P.O. Box 12927, Austin, TX 78711-2927  
(512) 463-7610 | [slrminfo@tsl.texas.gov](mailto:slrminfo@tsl.texas.gov)  
[www.tsl.texas.gov/slrsm](http://www.tsl.texas.gov/slrsm)

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## 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





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## 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!




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## Why Do We Have Retention Rules?

**Public Information Act**  
(Government Code Chapter 552)



**Open Meetings Act**  
(Government Code Chapter 551)

**Records Management Laws**  
(Government Code Chapter 441)



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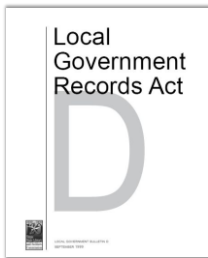
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## Local Government Records Act



### Bulletin D

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

<http://bit.ly/bulletind>



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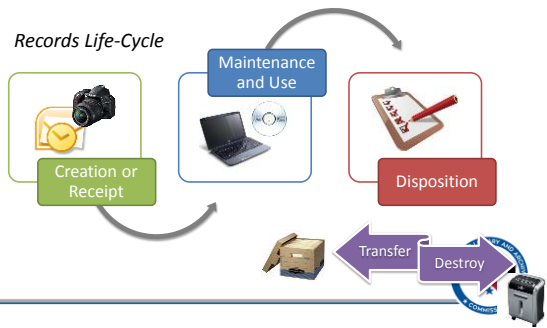
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## Records Management

*Records Life-Cycle*



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### 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)




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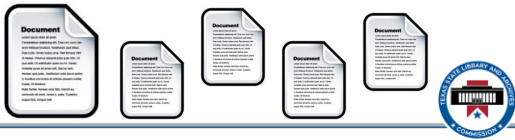
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### "Non-Records"

- ✘ **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




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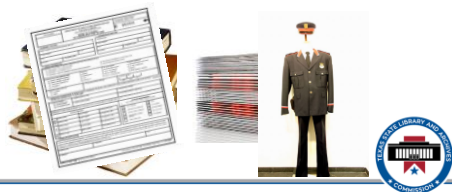
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### "Non-Records"

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




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### Record Value

- Fiscal
- Historical
- Administrative
- Legal




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### Record Value

- Primary Value: the value of the record based on the purpose for which the record was created.
- Secondary Value: the value of a record beyond the purpose for which it was created.




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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 / 6<sup>th</sup> street!




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U.S. Department of Commerce  
**United States Census Bureau**  
 People | 2010 census data for Texas - <http://quickfacts.census.gov/qfd/states/48000.html>

State & County QuickFacts

Select a state: USA QuickFacts What's new FAQ

Texas counties: selection map Texas cities: place search  
 Select a county: [ ] Go Select a city: [ ] Go

More Texas data sets Share this page

**Texas**

Want more? [Browse data sets for Texas](#)

People QuickFacts	Texas	USA
Population, 2012 estimate	26,059,203	313,914,040
Population, 2010 (April 1) estimates base	25,145,561	308,747,508
Population, percent change, April 1, 2010 to July 1, 2012	3.6%	1.7%
Population, 2010	25,145,561	308,745,538
Persons under 5 years, percent, 2012	7.5%	6.4%
Persons under 18 years, percent, 2012	26.8%	23.5%
Persons 65 years and over, percent, 2012	10.9%	13.7%
Female persons, percent, 2012	50.3%	50.8%
White alone, percent, 2012 (a)	80.6%	77.9%
Black or African American alone, percent, 2012 (a)	12.3%	13.1%
American Indian and Alaska Native alone, percent, 2012 (a)	1.0%	1.2%
Asian alone, percent, 2012 (a)	4.2%	5.1%
Native Hawaiian and Other Pacific Islander alone, percent, 2012 (a)	0.1%	0.2%
Two or More Races, percent, 2012	1.7%	2.4%
Hispanic or Latino, percent, 2012 (b)	38.2%	16.9%
White alone, not Hispanic or Latino, percent, 2012	44.6%	63.0%
Living in same house 1 year & over, percent, 2007-2011	82.1%	84.6%

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### 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





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### 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





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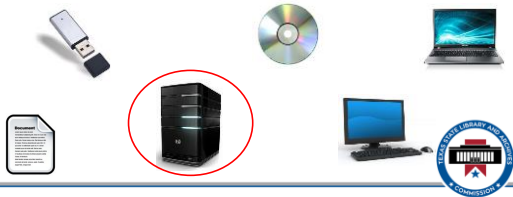
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### Designating a "Record Copy"

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



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### RECORDS RETENTION SCHEDULES

A how-to guide



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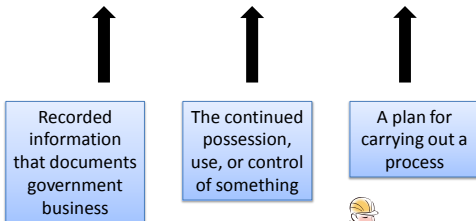
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### "Records Retention Schedule"



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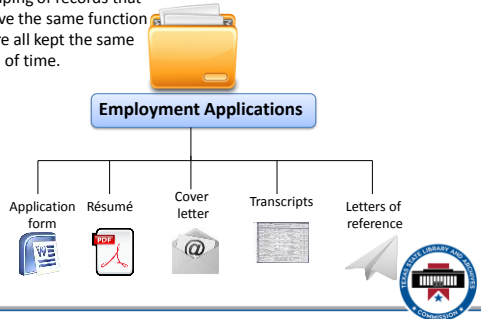
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### Record Series

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




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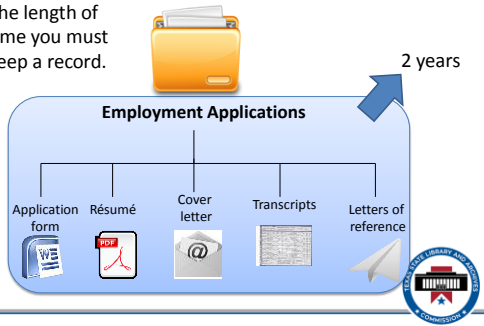
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### Retention Period

- The length of time you must keep a record.




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### Local Retention Schedules

**GR – General Records**

plus...

- |                               |                       |
|-------------------------------|-----------------------|
| CC – County Clerk             | PS – Public Safety    |
| DC – District Clerk           | PW – Public Works     |
| EL – Elections/Voter          | SD – Schools          |
| HR – Health                   | TX – Taxation         |
| JC – Junior Colleges          | UT – Utility Services |
| LC – Justice/Municipal Courts |                       |

<http://bit.ly/localschedules>




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## 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




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## The Local Schedules

### PART 1: ADMINISTRATIVE RECORDS SECTION 1-1: RECORDS OF GOVERNING BODIES

**Retention Note: SCOPE OF SECTION** - The retention periods established in this section also apply to the records of subsidiary boards, boards, commissions, or committees established by the governing body of a local government that have standing or quasi-judicial authority over any entity or program of the government or that was established by ordinance, order, or resolution for the purpose of advising the governing body as a subsidiary body or policy. Consequently, the use of the term "governing body" in a record description includes the corresponding records of these subsidiary bodies.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-01	AGENDAS	Open meetings	2 years	
GR1000-02	AGENDAS	1) If the agenda details each matter considered by the governing body and reference to an agenda is not required. 2) If the agenda do not detail each matter considered by the governing body and reference to an agenda is required.	PERMANENT	
GR1000-03	AGENDAS	Certain agendas of closed meetings.	2 years	By law - Government Code, Section 551.104(a).
GR1000-04	RESOLUTIONS		PERMANENT	
GR1000-05	MINUTES (in the case of the non-published or closed meetings, videotapes with sound).		PERMANENT	
GR1000-06	MINUTES	Written minutes.	PERMANENT	
GR1000-07	MINUTES	Notes taken during meetings from which written minutes are prepared.	90 days after approval of minutes by the governing body.	
GR1000-08	MINUTES	Archives of open meetings, except as described in 10, in which written minutes are not prepared.	PERMANENT	
GR1000-09	MINUTES	Archives of meeting minutes of governing bodies in which notes are not made and written minutes are not prepared for use in the future.	2 years	

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## 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

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-03f	MINUTES	Certified audiotapes of closed meetings.	2 years	By law - Government Code, Section 551.104(a).

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### 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.




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### RECORDS MANAGEMENT ASSISTANCE

Help is just a phone call away!




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### What to do when...

- ...you don’t know what to do?
- Look at the website
  - <https://www.tsl.texas.gov/slrinfo>
- Call or email your TSLAC analyst
  - Main number: 512-463-7610
  - Email [slrminfo@tsl.texas.gov](mailto:slrminfo@tsl.texas.gov)
- Call your RMO!




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## 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




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## 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?




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## 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?




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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 long do I keep an ETR-35?



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

Date of separation  
+ 5 years



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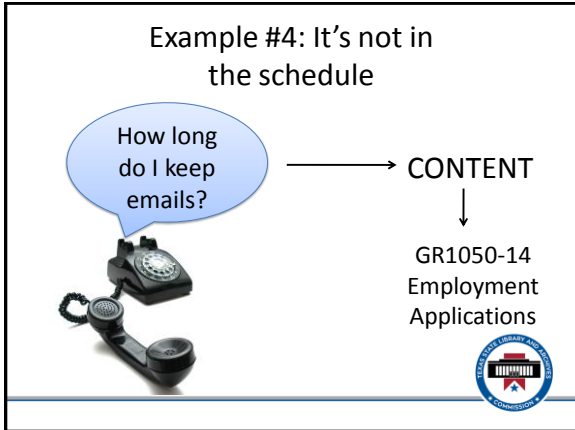
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Example #4: It's not in the schedule

How long do I keep emails?

CONTENT

GR1050-14  
Employment  
Applications



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

EDUCATION CODE

TITLE 2. PUBLIC EDUCATION

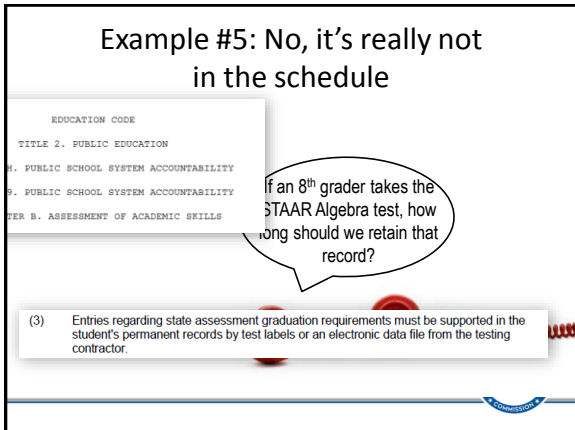
8. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY

9. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY

SECTION B. ASSESSMENT OF ACADEMIC SKILLS

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

(3) Entries regarding state assessment graduation requirements must be supported in the student's permanent records by test labels or an electronic data file from the testing contractor.



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**INVENTORY AND DISPOSITION**

First and last steps



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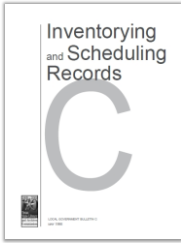
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## Benefits of Inventory



- Tells you what you have – record series, media, date ranges
- Shows volume of records
- Identifies records eligible for destruction
- Free Webinar: <http://bit.ly/recordsinventory>

<http://bit.ly/bulletinc>




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## Records Inventory

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




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## Definition

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

<http://www.archives.gov/records-mgmt/faqs/scheduling.html#disposition>




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## When To Do Disposition

- Maintain regular schedule
  - Fiscal Year End
  - Calendar Year End
  - Slow time of year



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## Don't wait!



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



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## Records Disposition Log



- A log of the records to be destroyed
- Not required for local governments, but strongly recommended
- Download a blank form at <http://bit.ly/dispositionlog>



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**Records Disposition Log**  
 Prepared by Unit Liaison: Name \_\_\_\_\_ Date \_\_\_\_\_  
 Unit Manager Approval Signature: \_\_\_\_\_ Date \_\_\_\_\_  
 Judge Approval Signature: \_\_\_\_\_ Date \_\_\_\_\_

Information from the Records Retention Schedule			Disposition Method: See legend below			Enter "X" after approved →		
Record Number	Records Series Title	Retention Period	From-To Dates of Records	Action	Volume	Actual Disposition Date	Initial	See Att
LC2350-04b	Criminal Case Papers – Dismissed	Dismissal + 1 years	January 2004- January 2011	S	50 boxes	2-12-13		X
LC2350-06b	Criminal Docketing Records	5 years	2003-2007	D	35 GB	2-12-13		
LC2350-05	Parking Tickets	6 months	January 1995 – July 2012	S	100 boxes	2-12-13		
LC2350-08c	Returned Jury Summonses	1 year	2006-2011	S	10 boxes	2-12-13		
LC2350-10a	Office of Court Administration (OCA) Statistical Reports	3 years	2005-2009	D	10 MB	2-12-13		
LC2375-02a(2)	Inquest Records	PERMANENT	1987-2012	A	80 boxes	2-12-13		
GR1050-54b	Leave Records – leave requests	FE+3	FY07-FY09	D	60 KB	2-12-13		

Legend  
 Retention Period Code: FE/Fiscal year; AC/See Ret Schedule; US/Until superseded; CE/Calendar year; LA/Life of Asset; AV/Administratively Valuable; PM/Permanent  
 Actions: R/Rescuing (open records only); S/Store; B/Burn; P/Purge; D/Delete electronic records; A/Transfer to County Archives; AI/Archival Review needed  
 Disposition Date: AFTER NOTIFICATION OF APPROVAL; Date put in recycling; codes to indicate bin for confidential shredding; records; or sent to Archives  
 See Att (See Attachment): Put an X in this field if there is an attachment giving more detail about the records being destroyed.

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## 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.”

LGC §202.002


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## BEYOND THE BASICS

Further considerations for managing records




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## Confidential Records

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




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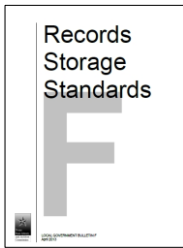
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## Permanent Records



- H.B. 1559 took effect September 1, 2011. Text: <http://bit.ly/hb1559>
- TSLAC shall adopt rules for storage of permanent and historical court records.
- Bulletin F: <http://bit.ly/bulletinf>




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## Continuing Education

**Archived Webinars:** <http://bit.ly/slrn-training>

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




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## Stay Connected

<https://www.tsl.texas.gov/slrmblog/>



### The Texas Record blog:

- Announcements
- Upcoming training
- New services
- Featured questions




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## 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](mailto:slrm_info@tsl.texas.gov)




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