

## **Records Retention Schedule: State University Model – Terminology**

### **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.

### **Permanent Record**

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, Presidents Cabinet, Faculty Senate, Department and Administrative units; special studies; publications; annual reports; and audit reports.

### **Fixed Retention Record**

These are records with specific, fixed, retention periods, such as three years, six months, fifty years. The duration of a records 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 Record**

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 Record**

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 Record**

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 Officer.

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 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.

## **Personnel Record**

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.

Submit 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 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.

### **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.

### **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 to 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.