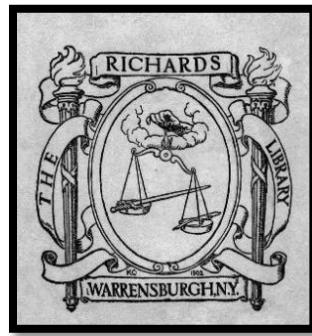


The Richards Library Policies



Retention and Disposition of Records Policy

The following are rules and regulations approved by The Board of Trustees of The Richards Library. These are effective 1 December 2020 and will be reviewed bi-annually. Those rules, regulations, and guidelines represented in this policy have been duplicated from the Retention and Disposition Schedule of New York Local Government Records (LGS-01), 2020.

PURPOSE

This *Retention and Disposition Schedule for New York Local Government Records* indicates the minimum length of time that local government officials must retain their records before they may be disposed of legally. It consolidates and revises *Records Retention and Disposition Schedules CO-2, MU-1, MI-1, and ED-1*. It has been prepared and issued by the State Archives, State Education Department, pursuant to Section 57.25 of the Arts and Cultural Affairs Law, and Part 185, Title 8 of the *Official Compilation of Codes, Rules and Regulations of the State of New York*.

The purposes of this Schedule are to:

- 1) ensure that records are retained as long as needed for administrative, legal and fiscal purposes;
- 2) ensure that state and federal record retention requirements are met;
- 3) ensure that records with enduring historical and other research value are identified and retained permanently; and
- 4) encourage and facilitate the systematic disposal of unneeded records.

ABOUT THIS SCHEDULE

This *Retention and Disposition Schedule for New York Local Government Records* provides a single, consolidated resource for all types of local governments to consult to determine the retention period for records they create. There are no longer separate retention schedules for different types of local governments. By consolidating multiple, disparate retention schedules, this schedule helps to ensure

consistent retention and disposition guidance for records that are common to multiple types of local governments. This consolidated Schedule also facilitates modifications to retention periods when there are changes to laws, regulations or other mandates that affect retention.

PREVIOUS SCHEDULES SUPERSEDED

Retention and Disposition Schedule for New York Local Government Records supersedes and replaces *Schedules CO-2, MU-1, MI-1, and ED-1*, previously issued by the State Archives. **The consent of the Commissioner of Education to use these schedules is withdrawn, and they may not be used to dispose of records.** The governing body must utilize this *Retention and Disposition Schedule for New York Local Government Records* in order to dispose of any records.

ADOPTION OF THE SCHEDULE AND REQUESTS FOR ADDITIONAL COPIES

Before any records listed on the *Retention and Disposition Schedule for New York Local Government Records* may be disposed of and even if the local government previously adopted *Schedules CO-2, MU-1, MI-1, and ED-1*, the governing body must formally adopt the Schedule by passing a resolution. A model resolution is included at the end of the Introduction to this Schedule. It is not necessary to send a copy of the passed resolution to the State Archives. The Schedule must be adopted no later than January 1, 2021. Upon adoption, this Schedule supersedes *Schedules CO-2, MU-1, MI-1, and ED-1*.

This Schedule may be used by the local government until the governing body rescinds its authorizing resolution, or the Schedule is superseded or replaced by the State Archives.

Additional paper or electronic copies of this Schedule can be obtained by calling the State Archives at (518) 474-6926 or emailing at recmgmt@nysed.gov. The Schedule is also available on the State Archives' website at <http://www.archives.nysed.gov>.

ARRANGEMENT OF ITEMS ON THE SCHEDULE

In general, items on the *Retention and Disposition Schedule for New York Local Government Records* are arranged as they were in the previous schedules, with a few significant exceptions:

- General Administration section: This new section combines the former General and Miscellaneous sections. In addition, it includes items that were duplicated in other sections including, but not limited to, the County Clerk and School District and BOCES sections.
- Executive section: This new section combines the former Supervisor, Mayor, Manager, and/or Administrator section in the *Schedule MU-1*; County Executive, Manager, and/or Administrator section in the *Schedule CO-2*; and the Executive, Manager, and/or Administrator section in the *Schedule MI-1*. In addition, the school superintendent's office files item, previously found in the *Schedule ED-1*'s Administration section was folded into this new Executive section.
- School District and BOCES section: This new section retains the unique subsections of the *Schedule ED-1*, including Administration, Food Management and Child Nutrition, Gifted and Talented Programs, Health, Instruction, Magnet Schools, Nursing Education, School Safety, Special Education, Student Records, Supplemental Education Services, Teacher Resource and Computer Training Center, Transportation: School Bus Routing and Scheduling, and Transportation: Other School Transportation Records.

NEW OR REVISED ITEMS

Items on this Schedule preceded by a diamond symbol (◆) are either new to this edition, or have been substantively changed from the previous edition. They may have longer or shorter retention periods, additional parts, or additional or revised explanatory notes. Please note these changes carefully on your office schedules and/or inventory or records control forms because only the current items as contained in this edition of the *Retention and Disposition Schedule for New York Local Government Records* are legally applicable.

Safety, Special Education, Student Records, Supplemental Education Services, Teacher Resource and Computer Training Center, Transportation: School Bus Routing and Scheduling, and Transportation: Other School Transportation Records.

UNIQUE ITEM NUMBERING SYSTEM

Items are assigned a unique identifying number. That number, which appears in bold will not change as items are revised or relocated in new editions of the *Retention and Disposition Schedule for New York Local Government Records*. Former unique numbers from previous schedules (*Records Retention and Disposition Schedules CO-2, MU-1, MI-1, and ED-1*) are noted to the right of the new unique number.

INTERPRETING SCHEDULE ITEMS

Many of the schedule items are broad and describe the purpose or function of records rather than identifying individual documents and forms. Local officials should match the records in their offices with the generalized descriptions on the Schedule to determine appropriate retention periods. Records whose content and function are substantially the same as an item described in the Schedule should be considered to be covered by that item. Local officials should check with the State Archives when they are uncertain regarding coverage of a function. In situations where, local officials have combined related types of records, covered by different items in this Schedule, into a single file series, it may be impractical to separately apply the retention periods of the various applicable Schedule items to the individual records in the file. In such situations, officials may find it more convenient to dispose of the entire set of records by using the applicable retention item with the longest retention period.

Retention periods on this Schedule apply to one "official" copy designated by the local government unless otherwise stated. No matter what the medium, local officials must ensure that the information will be retained for the specified retention period.

The retention periods listed on this Schedule pertain to the information contained in records, regardless of physical form or characteristic (paper, microfilm, computer disk or tape, or other medium). Duplicate copies of records, including copies maintained on different media (paper, electronic, etc.), may be disposed of in accordance with item no. 58 of the General Administration section of this Schedule.

EXCEPTIONS TO APPLYING RETENTION PERIODS INDICATED IN SCHEDULE LEGAL ACTIONS

Some records may be needed to defend the local government in legal actions. Records that are being used in such actions must be retained for the entire period of the action even if their retention period has passed. **If the retention period has expired by the time the legal action ends, the**

record must be retained for at least one additional year to resolve any need for the record in an appeal. If the retention period has **not** expired, the record must be retained for the remainder of the retention period, but not less than one year after the legal action ends. Prior to disposing of records, local officials may wish to consult with their county attorney to verify that no legal actions have been initiated which would require longer retention of the records.

AUDITS

Program and fiscal audits and other needs of state and federal agencies are taken into account when retention periods are established by the State Archives. However, in some instances agencies with audit responsibility and authority may formally request that certain records be kept beyond the retention periods. If such a request is made, these records must be retained beyond the retention periods until the local government receives the audit report or until the need is satisfied.

ADDITIONAL RETENTION REQUIREMENT IN COMMISSIONER'S REGULATIONS

The State Education Department's Office of the Professions oversees the professional conduct of licensed health professionals other than physicians, who are under the jurisdiction of the Department of Health. Section 29.2 of 8NYCRR (Regulations of The Commissioner of Education) contains "General Provisions for the Health Professions." Paragraph 3 of subdivision a of this Section states that "unprofessional conduct" includes "failing to maintain records for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise provided by law, all patient records must be retained for at least six years. . . . records of minor patients must be retained for at least six years, and until one year after the patient reaches the age of 21 years."

A number of health-related items on the Schedule contain minimum legal retention periods which permit disposition of records three years after a minor attains age 18. These items are mostly found in the Personnel/Civil Service and Public Health sections. In these instances, certain records pertaining to minors must also be retained for an additional year if those records are subject to the Section 29.2 requirements for health professionals, other than physicians, employed by or associated with local governments. For additional information on this situation, contact the State Archives' Government Records Services.

RECORDS CREATED BEFORE 1910

Disposition of records created before 1910 requires specific written approval from the State Archives, as required by Section 185.6 (c) of 8NYCRR, the Regulations of the Commissioner of Education. Certain records which would normally be disposable under this Schedule may need to be kept if created before 1910. Often these records have continuing historical or research value because:

- 1) Other documentation no longer exists. Many earlier records were destroyed through natural disaster or through destruction by public officials prior to the passage of the first state statute in 1911 requiring the consent of the Commissioner of Education to the disposition of local public records;
- 2) The volume and type of information contained in records have changed since the beginning of the 20th century. Older records often have more detailed and historically significant information than those produced today;
- 3) Early records sometimes have intrinsic value beyond the information they contain. "Intrinsic value" refers to qualities, such as value for exhibits, association with significant events, and aesthetic value, which records may possess beyond merely the information they contain. Further information

on identifying records with intrinsic value is provided in the State Archives' Publication No. 36, *Intrinsic Value of Local Government Archival Records*.

Local officials desiring to dispose of any records created before 1910 should contact the State Archives, to obtain disposition request forms. **This requirement also applies to the disposition of original records predating 1910 which have been microfilmed.** The State Archives will review each request and advise the local government on retention or disposition of the records.

RECORDS NOT LISTED ON THIS SCHEDULE

This Schedule covers the vast majority of all records of local governments. For any record not listed, the Records Management Officer, or the custodian of the record, should contact the State Archives to determine if it is indeed covered by this Schedule and if a legal minimum retention period has been established. If not, the State Archives will consult with appropriate state and local officials and users of local government records and advise the local government on the disposition of the records. If the record is not covered by an item on this Schedule, it must be retained until a revised edition of or addendum to the Schedule is issued containing an item covering the record in question and providing a minimum legal retention period for it.

Conversely, the State Archives has no legal authority to require local governments to create records where no records exist, even if the records in question are listed on this Schedule. Although there may be laws, regulations or other requirements that certain records must be created, those requirements do not originate from the State Archives. Instead, the purpose of this Schedule is to authorize the disposition of records which local governments maintain. The mere fact that a record is identified on this Schedule should not be interpreted as a requirement that the record must be created.

Local public benefit corporations (per Section 2 of the Public Authorities Law, those whose members are not appointed by the governor nor hold a civil office of the state) or other special purpose units of local government located in New York City may possess records not covered by this Schedule. Pursuant to Section 185.5 (c) of 8NYCRR these local governments may use their own local records retention and disposition schedules in lieu of this Schedule. These local schedules must be approved by the State Archives. For additional information on this subject, contact the State Archives' Government Records Services.

For Library/Library Systems Records, the following rules, regulations and/or guidelines do hereby apply:

LIBRARY/LIBRARY SYSTEM

NOTE: This section not only applies to school and BOCES libraries and school library systems, but also to the Chatham Public Library and Newburgh Free Library. Pursuant to the Local Government Records Law these two libraries are not considered autonomous public school district libraries, but are in fact, in regards to records management, part of the school district which operates them.

591 CO2 340, MU1 304, ED1 165, MI1 254

Incorporation, chartering and registration records:

RETENTION: PERMANENT

592 CO2 341, MU1 305, ED1 158, MI1 255

Accession records:

RETENTION: 1 year after accessioning procedure becomes obsolete

NOTE: Some libraries accession manuscripts, rare books and special collections, but not their general library holdings. In these cases, the accession records need to be retained only for the kinds of materials still accessioned.

593 CO2 342, ED1 166, MI1 256

Informational copies of records prepared by and received from public library system, including but not limited to directories, minutes, budgets and reports:

RETENTION: o after superseded or obsolete

594 MU1 306,

Directory of public library system

and member libraries, prepared by public library system (member library's copy):

RETENTION: o after superseded or obsolete

◆ **595**

Library card application records:

RETENTION: 3 years after card expires or is inactive

◆ **596 CO2 343, MU1 307, ED1 159, MI1 257**

Borrowing or loaning records:

RETENTION: o after no longer needed

◆ **597**

Interlibrary loan records,

including requests to borrow or copy materials from other libraries, receipts for materials, copy logs, accounting records, and circulation records

a. When no copies of original materials are requested:

RETENTION: o after no longer needed

b. When copies of original materials are requested:

RETENTION: 5 years after order is completed

598 CO2 344, MU1 308, ED1 160, MI1 258

Catalog of holdings

a. Manuscript or published catalog:

RETENTION: PERMANENT

b. Continuously updated catalog:

RETENTION: o after superseded or obsolete

599 CO2 345, MU1 309, ED1 161, MI1 259

Individual title purchase requisition

Which has been filled or found to be unfillable:

RETENTION: 1 year

600 CO2 346, MU1 310, ED1 162, MI1 260

Records documenting selection of books

and other library materials:

RETENTION: o after no longer needed

601 CO2 347, MU1 311, ED1 163, MI1 261

Library material censorship and complaint records,

Including evaluations by staff, patrons' complaints and record of final decision:

RETENTION: 6 years after last entry

NOTE: Appraise these records for historical significance prior to disposition. Some

Library censorship records deal with serious constitutional issues and may have value for future research.

602 CO2 348, MU1 312, ED1 164, MI1 262

Patron's registration

For use of rare, valuable or restricted non-circulating materials:

RETENTION: 6 years

◆ **603**

Program and exhibit file

documenting planning and implementation of programs, services and exhibits sponsored or co-sponsored by the library, including but not limited to photographs, sketches, worksheets, publicity, brochures, exhibit catalogs, inventory lists, loan agreements, correspondence, attendance sheets or registration forms, and parental consent forms:

- a. Parental consent records:

RETENTION: 6 years, or 3 years after child attains age 18, whichever is longer

NOTE: Photo release records are covered under item no. 68 in General Administration section.

- b. Attendance sheets and registration forms, when no fee is charged:

RETENTION: 0 after no longer needed

- c. All other records:

RETENTION: 6 years after exhibit closed or program ended

NOTE: Appraise these records for historical significance or value for collections documentation prior to disposition. Some of these records may have continuing value for historical or other research and should be retained permanently. Contact the State Archives for additional advice.

Formatted and Approved by the Richards Library Board of Trustees

1 December 2020