

Basic Records Retention & Disposition

775-684-3411
Records@admin.nv.gov

Department of Administration
Nevada State Library, Archives and
Public Records (LASPR)
State Records Program
Rev. 2016



STATE of NEVADA

Outline

- What is a record?
- Records retention
- Records disposition
- State Records Center
- Is it an asset or a liability?



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What is a Record?



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What is a Record?

- ▶ Did an event ever happen if there is no record and no memory of it?



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What is a Record?

- ▶ Records provide continuity for the ongoing operations of the agency



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What is a Record?

A RECORD:

- ▶ Documents a transaction or activity
- ▶ Includes all mediums regardless of physical form or characteristic
- ▶ And is considered a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business

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What is an Official State Record?

- ▶ **NRS 239.005 and NAC 239.705** An Official State Record includes without limitation any: papers, unpublished books, maps, photographs, electronic information, and other materials **made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or activity of that organization.**

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Official State Record Law

- ▶ **An official state record may be disposed of only in accordance with an approved schedule for retention and disposition**
- ▶ **In cooperation with State Records, each agency, board and commission shall develop a schedule for the retention and disposition of each type of official state record**

NRS 239.080

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What is an Official State Record?

It is a record if it:

- ▶ Contains unique or valuable information developed during the preparation of position papers, reports, studies
- ▶ Documents significant actions taken or decisions made in the course of conducting business
- ▶ Includes statements of policy or a rationale for a decision or action
- ▶ Documents oral exchanges (in person or by telephone) during which policy is planned or decided
- ▶ Adds to the proper understanding or execution of an agency action or responsibility
- ▶ Documents important meetings that facilitate action
- ▶ Protects the legal, financial, and other rights of the agency and the persons directly affected by the agency's actions
- ▶ Makes possible a proper scrutiny by the Legislature or other duly authorized agencies of state government

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What is not a record?

- ▶ When it is difficult to decide whether documents are records or nonrecords, Agency staff should treat them as records.
- ▶ Nonrecords should not be interfiled with records.
- ▶ Nonrecords must be destroyed when they are no longer needed for reference; extra copies may not be retained after the record copy is destroyed.

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State Records Laws and Regulations

- ▶ State Law
 - **NRS 239.077 Committee to Approve Schedules for the Retention and Disposition of Official State Records: Duties.** The Committee shall:
 1. Review and approve or disapprove the schedules for the retention and disposition of the official state records of each agency, board and commission which is required to develop those schedules pursuant to [NRS 239.080](#).
 2. Advise the Division (LAPR) concerning the development and use of schedules for the retention and disposition of official state records.

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State Records Laws and Regulations

- ▶ State Law
 - **NRS 239.080 State records: Schedules for retention and disposition.**
 1. An official state record may be disposed of only in accordance with an approved schedule for retention and disposition
 2. In cooperation with LAPR, each agency, board and commission shall develop a schedule for the retention and disposition of each type of official state record
 3. The Division shall submit the schedules described in subsection 2 to the Committee for final approval.

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STATE RECORDS COMMITTEE

State Records Committee

- Meeting Agenda and Minutes

Staff to the Committee

Tel: J. Mark Cook, CMAA
State Records Manager
(775) 684-3323
jmark@sdm.nv.gov

The Committee to Approve Schedules for the Retention and Disposition of Official State Records (known as the State Records Committee) was established in statute in 1993, NRS 229.073 et seq., to approve the retention and disposition of official state records for all state agencies. An official state record may be disposed of only in accordance with a schedule for retention and disposition which is approved by this Committee.

Members

- Secretary of State - Committee Chairman
 - Designee: Scott Anderson, Deputy Secretary of State, Chief Deputy
- Administrator of the State Library and Archives, Committee Secretary
 - Jeff Kinsip
- Director of The Department of Administration
 - Designee: Stacie Hancock
- Attorney General
 - Designee: Sarah Bradley, Deputy Attorney General
- Administrator of Enterprise Information Technology Services
 - Designee: James Earl, Manager
- Member Appointed by the Governor
 - Kathryn Elcheverria, Records Management Supervisor, Douglas County

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State Records Laws and Regulations

NRS 378.255

- ▶ Nevada State Library, Archives and Public Records (LAPR) has records management authority and responsibilities
 - The State Library, Archives and Public Records Administrator may adopt regulations and establish standards, procedures and techniques for the effective management of records

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What is Records Management

- ▶ Providing the right information
- ▶ At the right time
- ▶ To the right people
- ▶ Effectively & efficiently
- ▶ At the lowest possible cost



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Why is Records Management Important?

- ▶ Records are an information asset and hold value for an organization
- ▶ Organizations have a duty to stakeholders to manage records effectively
- ▶ Organizations must comply with regulatory retention requirements

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Who is responsible for managing records?

Records Officer, NAC 239.700

- ▶ The head of each state agency to appoint a records officer
- ▶ The records officer is responsible for:
 - All issues of records management policy
 - Statutory compliance with NRS 239.080
 - Regulatory compliance with NAC Chapter 239
- ▶ If the head of a state agency does not appoint a records officer, the head of the state agency is the ex officio records officer.

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Who is responsible for managing records?

- ▶ Each employee has an important role to play in protecting the agency by creating, using, retrieving and disposing of records in accordance with state laws and regulations.
- ▶ Each employee should be familiar with the laws and regulations and know how to access the schedule.

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2015 Legislative Updates

- ▶ Each employee of the agency, board or commission, as applicable, whose duties include the management of the retention and disposal of any official state records of the agency, board or commission **must** take this training!
- ▶ Employees must know retention schedules for their records

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2015 Legislative Updates

- ▶ A letter of reprimand to any employee of the agency, board or commission, as applicable, who **knowingly and willfully** disposes of an official state record
- ▶ In lieu of a letter of reprimand, may take more severe disciplinary action against an employee in a matter involving a repeated offense

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2015 Legislative Updates

- ▶ **NRS 239.083 State records: Program of education and training on retention and disposition; letter of reprimand or other discipline for knowing and willful disposition of state record in manner contrary to schedule for retention and disposition.**
- ▶ 2. Except as otherwise provided in subsection 3, the head of an agency, board or commission that is required to maintain its official state records in accordance with a schedule for the retention and disposition of official state records that has been developed pursuant to [NRS 239.080](#) and approved by the Committee pursuant to [NRS 239.077](#).
- ▶ (a) Shall require each employee of the agency, board or commission, as applicable, whose duties include the management of the retention and disposal of any official state records of the agency, board or commission to complete the program of education and training on the retention and disposition of official state records that is developed and conducted by the Division pursuant to subsection 1.
- ▶ (b) May require other employees of the agency, board or commission, as applicable, to complete the program of education and training described in paragraph (a).
- ▶ 4. The head of an agency, board or commission that is required to maintain its official state records in accordance with a schedule for the retention and disposition of official state records that has been developed pursuant to [NRS 239.080](#) and approved by the Committee pursuant to [NRS 239.077](#).
- ▶ (a) Except as otherwise provided in paragraph (b), shall issue a letter of reprimand to any employee of the agency, board or commission, as applicable, who knowingly and willfully disposes of an official state record of the agency, board or commission in a manner contrary to the approved schedule for the retention and disposition of the official state records of the agency, board or commission.
- ▶ (b) In lieu of a letter of reprimand issued pursuant to paragraph (a), may take more severe disciplinary action against an employee in a matter involving a repeated offense or where circumstances otherwise warrant such action.
- ▶ (Added to NRS by [2015, 2324](#))

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Records Retention



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Records Retention

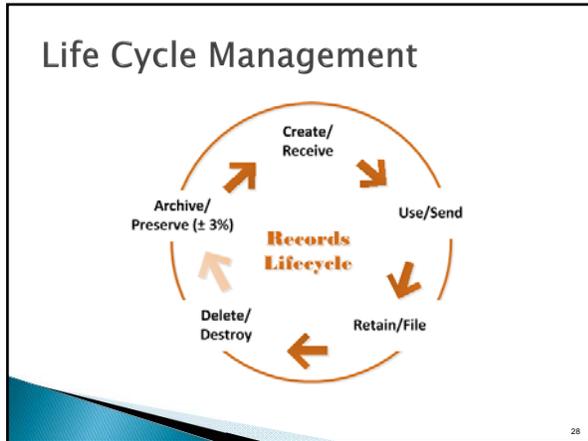
- ▶ Records must be made available throughout the entire life cycle of the record
- ▶ Record retention requirement periods are based on state and federal regulatory requirements, statute of limitations, and best business practices
- ▶ Records should be destroyed soon after retention requirements are met
- ▶ Consistent and systematic retention of records demonstrates a good faith effort to comply with retention requirements

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Balancing Assets And Liabilities

- ▶ Effectively managing information scattered across the enterprise and harnessing information for business requires **Information Lifecycle Management**

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Balancing Assets And Liabilities

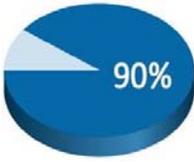
- ▶ What constitutes an official record (i.e., an information asset you want to keep)
- ▶ When does the information become obsolete (i.e., a liability you want to destroy)

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What is Big Data

- ▶ 90% of the data in the world was created in the last two years



Information Lifecycle Governance Leader Reference Guide: A Model for Improving Information and eDiscovery Economics with Information Lifecycle Governance CGOC 2012

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What is Big Data

- ▶ **Structured data** – Data that resides in a fixed field within a record or file.
 - Examples include relational databases and spreadsheets
- ▶ **Unstructured data** – refers to information that either does not have a pre-defined data model or is not organized in a pre-defined manner.
 - Examples include e-mail messages, word processing documents, videos, photos, audio files, presentations, web pages and many other kinds of business documents.

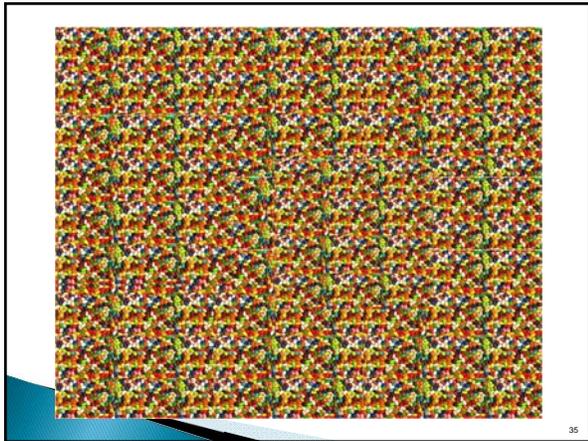
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What is Big Data

- ▶ The term "big data" is closely associated with unstructured data. Big data refers to extremely large datasets that are difficult to analyze with traditional tools.
- ▶ Big data can include both structured and unstructured data, but IDC estimates that **80–90 percent of big data is unstructured data.**

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What is Big Data

- It is estimated that up to 50% of the data stored can be classified as "debris"



Information Lifecycle Governance Leader Reference Guide: A Model for Improving Information and eDiscovery Economics with Information Lifecycle Governance CGSC 2012

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What is Big Data

- ▶ “Identifying that same mountain of junk, redundant, duplicated, incomplete and corrupted data as early as possible in its lifecycle and getting rid of it is another, and frankly far more sensible way of managing information.”

http://www.channelregister.co.uk/2013/03/11/alan_pelz_sharpe_big_data/

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Retention Schedules



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Retention Schedules

Two Types of Retention Schedules:

- 1) **General Schedules**
 - Cover most administrative records
 - Arranged alphabetically by Title
 - Most current version available on our Web Site
- 2) **Agency-Specific Schedules**
 - Applicable to program-specific records of a particular agency
 - Series descriptions clearly indicate the program/activity to which the records relate
 - An agency may not use another agency's schedule

Retention Schedules

- ▶ General Schedule
 - ▶ +
- ▶ Agency Specific Schedule
 - ▶ = Complete Schedule

▶ Must be used in combination with one another

Grouping Records into "Records Series"

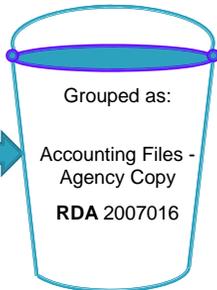
Records Series

File units or documents that are kept together because they relate to a particular subject or function, result from the same activity, document a specific type of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, maintenance, or use.

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Grouping Records into "Records Series"

- DOCUMENTS
 - Bank statements
 - Cash receipts
 - Deposit receipts
 - Reports and supporting documentation
 - Ledgers
 - Journal entries and work files
 - Disbursement logs
 - Reconciliation documentation
 - Billing claims
 - Work program documentation
 - Purchasing documentation
 - Invoices
 - Spreadsheets



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Records Retention

- ▶ A records retention schedule is the cornerstone of an effective records management program.
- ▶ A retention schedule is a simple document that lists the names of the record series produced by your office, along with their approved retention periods and disposition methods.

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Records Retention

Elements of a Records Series

- **RDA number:** Unique identifier assigned to each record series (**R**ecords **D**isposition **A**uthorization)
- **Title:** Briefly captures subject/function of the record series
- **Description:** Explains the nature, content, and purpose of the records and how they are used
- **Retention:** Minimum period for which records must be retained before they are eligible for disposition
- **Disposition:** Identifies the method of destruction or if the records are to be transferred to the State Archives for ongoing preservation

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► General Retention Schedule

2010034 Administrative: Correspondence Files Official

Description: Internal and external communications (letters, memos, emails, social media, etc.) to and from constitutional officers, department heads, and board or commission directors or executives regarding official actions and/or policy issues not covered by another records series RDA.

Retention: Retain these records for a period of four (4) calendar years from the end of the calendar year to which they pertain.

Disposition: Permanent: Transfer to State Archives

2010033 Administrative: Correspondence Files Routine Business

Description: Correspondence (letters, memos, emails, social media, etc.) that is work related and deal with the day-to-day office administration and activities. Examples may include, but are not limited to: Internal correspondence; External correspondence from various individuals, companies, and organizations requesting information pertaining to the agency business and other routine inquiries.
 Note: Correspondence that is part of a specific subject file, e.g., case file, client file, contract file, purchasing file, personnel file, budget/fiscal file, etc., is retained with that subject file and according to the authorized retention period for that subject file.

Retention: Retain these records for a period of one (1) calendar year from the end of the calendar year to which it pertains or for the authorized retention period per subject file.

Disposition: Destroy Securely

2009023 Administrative: Correspondence Files Transitory

Description: These records consist of correspondence (letters, memos, emails, social media, etc.) that do not document core functions or activities of an agency or department and do not require an official action. Examples may include, but are not limited to: General announcements including meeting reminders, notices of upcoming events; Informational copies (cc or bc) of correspondence which do no document administrative action; Correspondence kept only for convenience, follow-up or suspense (tickler); Transmittal letters that do not add information to the transmitted material or attachments; Requests for routine information or publications provided to the public by the agency which are answered by standard form letters; Spam, junk mail, unsolicited vendor mail, personal mail.
 Retain only as long as the record holds value to the agency, but no longer than one (1) year.

Retention: Retain only as long as the record holds value to the agency, but no longer than one (1) year.

Disposition: Destroy

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► General Retention Schedule

2005140 Open Meeting Law: Minutes of Public Bodies

Description: These records document the meetings of all public bodies (NRS 241.015) held in accordance with the "Open Meeting Law" (See NRS chapter 241). The record may include, but is not limited to: Meeting Notice and Agenda including amendments; Committee packets; Minutes including copies of documents presented during the meeting which were requested by a member of the public body or a member of the public to be included with the minutes (see NRS 241.035 (1)(d) and (e)).

Retention: Retain in a readily accessible location for a period of five (5) calendar years from the date of the meeting and then transfer to the State Archives. Records of decommissioned and inactive public bodies must be transferred immediately upon decommissioning to the State Archives for preservation (See NRS 241.035 (2)).

Disposition: Permanent: Transfer to State Archives

2008032 Open Meeting Law: Posting Documentation

Description: These records document the posting of agendas and associated materials in accordance with the "Open Meeting Law" (See NRS chapter 241). The record may include, but is not limited to: Fax cover sheets including confirmations of Filing; Confirmation of Posting forms; Mailing lists.

Retention: Retain for a period of five (5) calendar years from the date of the meeting.

Disposition: Destroy

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▶ Agency Specific

State of Nevada Board for Financing Water Projects
Version Date: 09/18/2013

2010028 Capital Improvement Grant Files
Reviewed: 8/11/2010
Description: These records document Capital Improvement Projects to Publicly Owned Water System grants funded by the Board for Financing Water Projects (See NRS 349.980 et seq. and NAC 349.295 et seq.). The files may include, but are not limited to: Application with associated records, including Letter of Intent; Board staff report; Copies of minutes and approval documentation; Copies of contracts with associated records; Copies of plans and maps; Financial records and Related correspondence
Retention: Retain these records for a period of twenty (20) calendar years from the end of the calendar year in which the project was completed and then transfer to the State Archives.
Disposition: Permanent; Transfer to State Archives

2010029 Denied and Incomplete Capital Improvement Grant Files
Reviewed: 8/11/2010
Description: These records document grants that were denied by the Board for Financing Water Projects (See NRS 349.980 et seq. and NAC 349.295 et seq.) or were incomplete and never approved. The files may include, but are not limited to: Application with associated records, including Letter of Intent; Board staff report; Copies of minutes and denial documentation and Related correspondence
Retention: Retain these records for a period of three (3) calendar years from the end of the calendar year in which the grant application was closed or denied.
Disposition: Destroy

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Retention and Disposition

▶ Looking for three elements

- ▶ Event
 - A trigger that determines when a record becomes inactive
- ▶ Time Period
 - The length of time the inactive record must be held before the disposition can take place
- ▶ Action
 - What happens once the Time Period is met

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Retention and Disposition

- ▶ Retention:
 - Retain these records for a period of **three (3)** calendar years from the **end of** the calendar year in which the grant application was **closed or denied**

TIME PERIOD EVENT

Disposition:
Destroy
↑
ACTION

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Records Retention

Retention and Disposition Schedule

- Event date – An event that triggers retention
- **Calendar Year** – A calendar year code is assigned to records when a definitive retention period can be assigned. The retention period is usually based on a calendar year and where there are no conditions that must be met
- **Closed** – A closed code is usually assigned to records that are case or project related. The records are retained "until the case or project is closed"
- **Termination (Separation)** – An expiration code is typically assigned to contracts, grants or other types of agreements that must be retained until a termination date or other legal condition has been met
- **Fiscal Year** – The retention is based on a fiscal year rather than a calendar year
- **Superseded** – A superseded code is typically assigned to records that are updated or revised at various times during the records lifetime.
- **Permanent** – These records are not authorized for destruction by an agency at any point in time

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Important Things to Know

- › Destroy in compliance with destruction instructions
- › If your records do not fall into any series on any Schedule it can not be destroyed
- › Format does not matter, Content does
- › Retention periods are not suggestions

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Consolidating Records

- › With fewer buckets resulting in fewer retention choices, employees are more likely to classify information consistently, which ensures better compliance with an agency's record retention requirements

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Consolidating Records

•Too many closely-related RDAs?

The diagram illustrates the process of consolidating records. On the left, there are four small buckets, each containing a number: 1 (red), 2 (blue), 3 (red), and 4 (orange). A large blue bracket groups these four buckets, and an arrow points from the bracket to a single, larger blue bucket on the right labeled with the number 5. This represents the consolidation of four separate records into one unified record.

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Maintenance and Update

- 5-year review cycle
- Program operations added, modified or eliminated
- Program merger or acquisition
- Changes in law or regulations
- Consolidating records

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Maintenance and Update

- Requesting changes
 - Fill out a [Records Retention Schedule Change – Agency Request](#) form
 - Form is available on our Web site
 - Complete one form for each group of records
 - A records analyst from the State Library and Archives and Public Records will contact you
 - Send an email to smartel@admin.nv.gov

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Records Disposition



Disposition

Why dispose of records?

- Cost avoidance
 - Free up office space
 - Prevent unnecessary office purchases
 - Reduce research time
 - Reduce Discovery costs
 - Allow room for new records
 - Preservation of historical records

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Disposition

Disposition Methods

- ▶ Destruction
 - Normal methods of discarding or recycling
- ▶ Secured Destruction
 - Confidential, restricted and sensitive records must be destroyed in a secure manner that will prevent the reconstruction of the records
- ▶ Transfer to State Archives

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Transfer to State Archives

- ▶ **Contact the State Archives**
 - 775-684-3310
- ▶ **Needed information:**
 - A description of the records / RDA number
 - The estimated volume of records
 - The records media (paper, electronic, microfilm, etc.)
 - The date range of the records
- ▶ **Deliver the records to the Archives at a pre-arranged time**



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Official records vs. Convenience copies

- ▶ Retention and disposition requirements are set for OFFICIAL records
- ▶ Convenience copies can be disposed when they are no longer needed and do not require RMS authorization to do so
NAC 239.711

Do not retain convenience copies past the retention requirements of the Official record

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Records Disposition

- ▶ **Disposition Holds**
 - Audit
 - Investigation
 - Litigation
 - Public Records Request



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Untimely Disposals

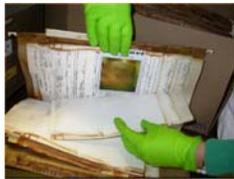
- ▶ Common Reasons
 - Natural disasters
 - Poor storage
 - Human error
 - Manmade disasters



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Untimely Disposals

- ▶ What to do?
 - **Notify the State Archives immediately!**
 - Document the destruction
 - Take photographs, if possible
 - Take remedial action, if possible or necessary



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State Records Center

- ▶ **What is the State Records Center?**
 - The State Records Center is a facility designed for the low-cost temporary storage of inactive records, pending their final disposition.
- ▶ **Who can use the State Records Center?**
 - The State Records Center stores inactive records for Nevada executive branch agencies, boards and commissions.

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State Records Center

- ▶ **Can any record be sent to the State Records Center?**
 - No. Records sent to the State Records Center must be assigned to an approved records retention schedule and have a minimum of 12 months or more remaining on the retention period
 - The event date that triggers the retention period for the records must have occurred. (The event date is the date from which the retention period is calculated, e.g ...from the date action completed ...from the date the contract is terminated ...from the end of the fiscal year, etc.)

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State Records Center

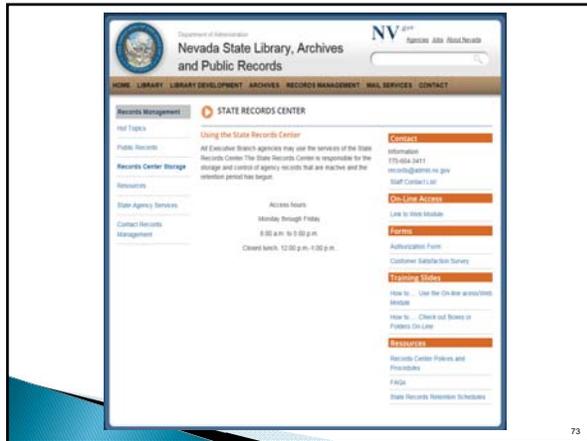
- ▶ **What will happen the records when the retention period is complete?**
 - The staff of the State Records Center will send you a notification of disposition shortly before the retention period has been met and the records are due for destruction
 - The staff will arrange for the appropriate disposition for the records, to include shredding or recycling
 - If the records are scheduled for transfer to the State Archives, the staff will do that for you

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Transfer to the State Records Center

- ▶ **Contact the State Records Center**
 - 775-684-3411
- ▶ **Records Center Web Module Training**
 - On-line forms
- ▶ **Deliver the records to the State Records Center at a pre-arranged time**

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State Records Center vs. State Archives

- ▶ They are two separate repositories
 - **State Records Center**
 - Provides custodial-care services for state agencies' records – agencies retain legal custody of the records
 - **State Archives**
 - Preserves the records that document the history of Nevada State government and has custody over the historical records of the territory and state

Challenges for State Agencies

- ▶ Transparency and public trust: failing to retain, preserve, and make available the records of government undermines the foundation of good government
- ▶ In the face of the growing volume and value of electronic records, these challenges are only increasing



How long do You Keep Email?

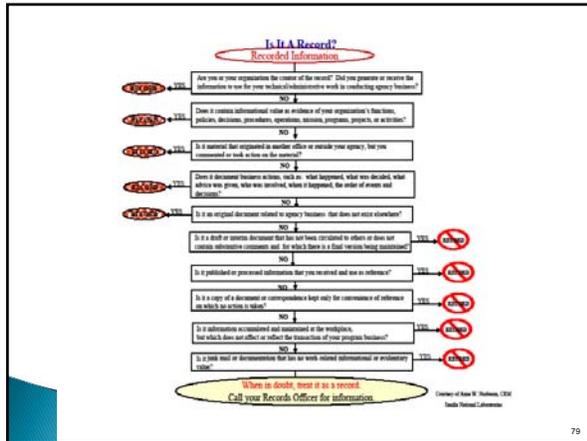
- ▶ Email is a distribution system, not a record series
- ▶ Asking how to file an email is the same as asking how to file a piece of paper
- ▶ **The content determines the disposition**

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How to Organize Email

- ▶ Organize e-mail in folders by records series or subject area and fiscal or calendar year
- ▶ Establish common agency or division filing structures, based on records series and cut-off dates
- ▶ "Archive" manually and frequently

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Accessing Public Records

Nevada Public Records Act: A Manual for State Agencies

http://LAPR.nv.gov/Records/Public_Records/Public_Records/

An Asset or a Liability?

Records are Assets when they are:

- Easy to find when you need them
- Readable when you find them
- Secure and protected
- Verifiably authentic
- Gone after their retention period is over
- Consistently managed
- Occupy as little space as necessary

An Asset or a Liability?

Records are LIABILITIES when they are:

- ▶ Inconsistently managed
 - Legal challenges – can't produce records
 - Court assumes malicious destruction or contempt
- ▶ Difficult to locate
 - An average employee spends 11 hours/week looking for records
 - Unanswered public records requests
- ▶ Unreadable
 - Damaged records
 - Obsolete electronic medium



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An Asset or a Liability?

Records are a LIABILITY when they are:

- ▶ Not protected from unauthorized access
 - Authenticity becomes questionable
 - Information may be released inappropriately
- ▶ Kept beyond their retention period.
 - Subject to Disclosure
 - Location and Reproduction Time, Effort, Costs
- ▶ HOARDED

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What to do next

- ▶ Review your agency specific schedule
- ▶ Is the description accurate and work for your program?
- ▶ Are there any record series that should be deleted or added?
- ▶ Were there any changes in law that would change the retention?
- ▶ Determine what emails should be retained?

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How does this help you?

- ▶ 1.) Identify the "Official Record"
- ▶ 2.) Dispose of "Convenience Copies"
- ▶ 3.) Assign RDAs to "Official Records"
- ▶ 4.) Dispose of "Official Records" which have exceeded the retention
- ▶ 5.) Repeat consistently and systematically
- ▶ = 50% or more freed space
- ▶ = less time for research and Discovery

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