129 Records Retention and Disposal of Records

Approved by President
____________________________
Sidney A. McPhee, President

Effective Date: , 2019
Responsible Division: Business and Finance
Responsible Office: Compliance and Enterprise Risk Management
Responsible Officer: Assistant Vice President, Compliance and Enterprise Risk Management

I. Purpose

This policy sets forth the records retention schedule and procedures for disposal of records for the University as approved by the State Public Records Commission (Commission). The Records Management Division of the Department of General Services, by direction of the Public Records Commission, is the primary records management agency for State government and directs the disposition of all records.

II. Scope

The schedule and procedures apply to all units of Middle Tennessee State University (MTSU or University).

III. Definitions

The following definitions comport with the definitions found in Tennessee Public Records Commission Rule:

A. Records. Records shall mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. For the purpose of this policy, records are only those items defined as such by the Commission rules.

B. Permanent Records. Those records which have permanent administrative, fiscal, historical, or legal value.

C. Temporary Records. Those records or materials which can be disposed of in a short period of time as being without value in documenting the functions of an agency.
Temporary records will be scheduled for disposal by requesting approval from the Public Records Commission utilizing a Records Disposition Authorization. (for MTSU procedures regarding records disposal, please see Section VII).

D. Confidential Public Records. Any public record which has been designated confidential by statute and includes information or matters or records considered to be privileged and any aspect of which access by the general public has been generally denied.

E. Records of Archival Value. Any public record which may promote or contribute toward the preservation and understanding of historical, cultural, or natural resources of the State of Tennessee.

F. Essential Records. Any public records essential to the resumption or continuation of operations, to the recreation of the legal and financial status of government in the state, or to the protection and fulfillment of obligations to citizens of the state.

G. Records Management. Records management shall mean the application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposal of records in order to reduce costs and improve efficiency of record keeping. It shall include records retention schedule development, essential records protection, files management and information retrieval systems, microfilm information systems, correspondence and word processing management, records center, forms management, analysis and design, and reports and publications management.

H. Disposition. The preservation of the original records in whole or in part, preservation by photographic or other reproduction processes, or outright destruction of the records.

I. Records Disposition Authorization. Records Disposition Authorization (RDA) shall mean the official document utilized by an agency head to request authority for the disposition of records. The Public Records Commission shall determine and order the proper disposition of state records through the approval of Records Disposition Authorizations.

J. Working Papers. Those records created to serve as input for final reporting documents, including electronic data processed records, and/or computer output microfilm, and those records which become obsolete immediately after agency use or publication.

K. Records Creation. The recording of information on paper, printed forms, punched cards, tape, disk, or any information transmitting media. It shall include preparation of forms, reports, state publications, and correspondence.

IV. Disposal of Records

A. No records may be destroyed unless and until meeting the criteria of this policy and Public Records Commission rules.
B. Unless specified otherwise, or otherwise required by law, records may be imaged, microfilmed, or electronically reproduced and the paper copy destroyed upon verification of an archival quality reproduction. The microfilm, image, or electronic record will then be retained for the balance of the indicated retention period.

C. No record shall be destroyed, however, so long as it pertains to any pending legal case, claim, or action; or to any federal or state audit until such actions have been concluded.

1. State records have been approved for disposal by state-approved methods:
   
a. Shredding;
   
b. Recycling;
   
c. Purge (paper & electronic).

2. Any record designated confidential shall be so treated in the maintenance, storage and disposition of such confidential records. These records shall be destroyed in such a manner that they cannot be read, interpreted, or reconstructed.

D. Unless specifically approved by the University records officer, any records which reflect permanent retention should be maintained by means other than paper after verification of an archival quality electronic reproduction. After verification, the paper copies will be destroyed.

E. In consultation with the records officer, University departments and divisions may also retain certain records of historical value for safe-keeping and preservation purposes with the University archivist. University departments and divisions may also utilize the University archivist to retain State records that are not converted to an archival quality electronic reproduction, with notification to the University records officer.

V. Records Officer

The records officer for the University shall provide the following duties in compliance with State Records Management Division requirements:

A. Coordinate annual records destruction days for the University.

B. Manage information provided by the records coordinators for each University division/department regarding the volume and type of records held.

C. Assess, review, and approve requests for records destruction by the division/department records coordinators.
D. Compile, and submit for approval, the Records Holding Report required by the State by June 30 annually.

E. Provide consultation to divisions/departments on records retention, destruction, and management.

F. Review requests for new records classification disposition numbers for submission to the State of Tennessee’s Records Management Division and the Public Records Commission.

VI. Records Coordinators

Each academic and administrative unit must designate a records coordinator who will have the authority and responsibility to retain and dispose of records in accordance with State of Tennessee approved records disposition authorizations.

A. Prior to the destruction of any records, the records coordinator must:

1. determine if the action should be delayed due to audit or litigation requirements;

2. complete all applicable information and required fields within the MTSU Records Retention Database concerning the record that will be destroyed; and

3. submit the records destruction information within the MTSU Records Retention Database to the records officer for review and approval.

Designated Records Coordinators should ensure that they have access to the MTSU Records Retention Database by contacting the University’s records officer at RDARetention@mtsu.edu. Instructions for utilization of MTSU’s Records Retention Database can also be provided by the records officer and are also available within the Records Retention Database upon sign-on. Records Retention Database users must have an MTSU FSA account username and password.

The University’s records officer must review and approve requests for records destruction prior to the destruction date (see Section VII – Records Destruction – for additional procedures).

B. Specific records pertaining to current or pending litigation or investigation must be retained until all questions are resolved. See Policy 125 Litigation Holds. These specific records can be retained in a suspense file, while all other records not under pending investigation shall be disposed of in accordance with established statewide Records Disposition Authorizations (RDAs).
C. Records coordinators should establish and apply retention schedules for records in their custody that may not be specifically addressed in this policy.

VII. Records Destruction

A. Prior to destroying a record, notification of the record’s destruction must be provided to the University’s records officer. The University’s records officer will review requests for records destruction from departments and divisions through the University’s internal Records Retention Database.

B. A Certificate of Records Destruction representing all records destroyed for the University, with appropriate attachments, will be submitted by the University’s records officer and the Office of Compliance and Enterprise Risk Management. Only the University’s records officer and/or the Office of Compliance and Enterprise Risk Management shall submit any compiled Certificates of Records Destruction to the State of Tennessee’s Records Management Division. Such compiled Certificates of Records Destruction shall be submitted together with the University’s annual Records Holding Report by, or before, the end of each fiscal year on June 30.

C. Records destruction may occur during the University’s annual Records Destruction Days, or outside of the annual Records Destruction days so long as notification of the records destruction is first provided to the University’s records officer through the MTSU Records Retention Database or by email to RDARetention@mtsu.edu.

D. The records destruction procedures referenced in A through C of this section do not apply to items that are not considered records, such as document copies, brochures, and pamphlets.

VIII. Records Retention Schedules

A. The State of Tennessee’s records classifications and retention schedules have been condensed into a single document for MTSU use entitled, “Records Disposition Authorization Classification Guide” (Records Classification Guide). The Records Classification Guide provides a description of the record type; corresponding State classification number (RDA, SW, or SW-U number); the retention period; and a description of the ending action for the record (i.e., destroy or keep permanently). As new RDA, SW, or SW-U Records Classifications are created and/or updated by the State’s Records Management Division, the Records Classification Guide will be updated.

B. Notwithstanding the stated retention period, should such period conflict with federal or state law or regulation, the period of longer retention shall apply.

Forms: None.
Revisions: June 5, 2017 (new); August 30, 2017; July 3, 2018; _______, 2019.

References: Executive Order 38; Family Educational Rights and Privacy Act of 1974; Policy 125 Litigation Holds; Records Management Division Records Retention Standards, State of Tennessee (June 2016); T.C.A. § 10-7-303; Statewide List (October 30, 2018) and Statewide University List (October 30, 2018).