

**Minnesota Association of County Administrators &
Minnesota County Human Resources Management
Association**

September 10, 2015

Charles Rodgers

Minnesota Historical Society

charles.rodgers@mnhs.org

651.259.3266

Minnesota Laws

Official Records Act - MN Statute §15.17

Requires public employees to make and carefully preserve records (from deterioration, mutilation, loss or destruction) necessary to understand the official activities of a Minnesota government agency.

Records Management Statute - MN Statute §138

Requires all government records be kept in a physical medium of a quality that will ensure permanence. It is a misdemeanor to destroy records without statutory authority. Requires government entities to follow a certain orderly process in disposing of government information.

What Determines Retention?

- Legal – Federal, State, Regulatory
- Fiscal Requirements
- Administrative Needs
- Historical Value

General Records Retention Schedule for County Human Resources Records

The state has reviewed and approved a general schedule for the retention and destruction of a variety of county human resources records.

Available on-line at: Human Resources section (issued October 2014) of the General Records Retention Schedule for Counties available on-line at:
<http://www.mchrma.org/County%20HR%20Records%20Retention%20Schedule%20and%20Adoption%20Form2014.pdf>

County human resources departments should adopt the general schedule to have continuing authority to destroy listed records after keeping them for the prescribed time.

Records not listed on the schedule should not be destroyed without specific authorization from the State Records Disposition Panel.

Some records have a permanent retention.

General Records Retention Schedule

- A list of records common to county human resources department, with data practices citations, retention periods.
- If you create or collect the information, it must be retained according to the retention schedule.
- Retention periods represent the minimum amount of time that you must keep records.
- The retention schedule provides ongoing authority to dispose of records.
- A list of records disposed must be maintained by the Minnesota government agency.

How to Adopt the Retention Schedule

- Complete and submit the *Notification of Adoption* form to the Minnesota Historical Society, State Archives. The form is included with the general schedule posted online.
- A copy of this form is permanently retained by the State Archives for future reference.
- The Minnesota Historical Society will sign and return the *Notification* form to you. You will then have authority to dispose of your records as indicated on the schedule.

How to *Implement* the State Retention Schedule

- Assign “managers” for the categorical sections of the schedule.
- Review existing forms, documents, and other records, determining each of their appropriate retention durations.
- Educate staff about the importance of retention, including methods of doing so.
- “Stick to the Plan” – Both for appropriate archiving, as well as disposition.

Retention Period Examples

- Dispose 5 years after employee's termination/retirement: *most* employee-related records
- Dispose 30 years after employee's termination/retirement: OSHA Employee Exposure records & Workers Compensation
- Permanent retention: Labor Union disputes/grievances, negotiating data

What is a Records Series?

- ❑ A set of records grouped together because they relate to a particular subject or function, or result from the same activity.
- ❑ The Title and Description heading in the Retention Schedule is for series of records, not individual records.

What is not a Government Record?

- ❖ Materials that have no administrative, legal, fiscal or historical requirement for their retention and may be discarded when no longer needed.
- ❖ Personal messages and announcements not related to official business. If the message is “mixed” and includes government data, the message can be redacted of personal messages.
- ❖ Information-only copies, or extracts of documents distributed for reference.
- ❖ Phone message slips that do not contain information.
- ❖ Copies of published materials.

Data Practices Classifications

- ❖ Data Practices classifications are effective as of the revised date of the Retention Schedule.
- ❖ Because data practices laws change regularly, classifications and statute references may have changed.

E-Mail

- ❑ Retention periods are based on content, not media.
- ❑ The person sending or receiving the e-mail message is usually responsible for retention in accordance with established retention periods.
- ❑ Remember to include the transmission data.

Electronic Records

- ✓ Some official government records now only exist in digital form.
- ✓ Records must be retrievable throughout their entire life. When software gets updated and/or hardware gets replaced, records will need to be migrated.
- ✓ Electronic records should be disposed of when their retention requirements have been satisfied.
- ✓ Electronic records could be converted to microfilm or digital archival format for historical preservation.

Electronic *Archiving*

- ✓ As a local government unit, you determine what the 'official' record is. This may mean media conversion or aggregation to microfilm or digital.
- ✓ Digital formats should be non-proprietary, non-modifiable, and be able to stand the test of time. (e.g. TIFF, PDF/A)
- ✓ A software document management system can provide both operational efficiencies as well as meet archival requirements.

RECORDS DESTRUCTION

- Records with non-public data that are ready for destruction should be shredded.
- Be consistent.
- Keep a record of records destroyed.
 - ✓ Summary
 - ✓ Good business practice
 - ✓ Public accountability

Putting a Hold on Records Destruction

- ❑ Do not destroy relevant records when litigation, government investigation, or financial audit is pending or imminent.
- ❑ Do not destroy the records until the “hold” is terminated, even if the retention period is concluded.

City of _____

RECORDS DESTRUCTION REPORT

INSTRUCTIONS

1. Print or type all information.
2. Use this form to document records destroyed under authority of a General
3. Records Retention schedule or an approved agency retention schedule.
List only records that are physically destroyed.
4. Complete report as records are destroyed.
5. Keep this report for your records.
6. For additional space, use reverse side.

Agency			Person Reporting Destruction				Date Report Submitted	
Address			City, Zip				Telephone ()	
General Schedule Name or Agency Schedule Number (e.g. "City Gen. Sch." or "87-123")	Section of Schedule Where Record is Listed	Item No. As Listed on Schedule	Record Title (use same title listed on schedule)			Inclusive Dates	Date Destroyed	Quantity* (Cubic Feet)
*VOLUME CHART TO DETERMINE CUBIC FEET								
Letter Size Drawer	=1.5	Record Center Box	=1.0	3 x 5 Card	=0.1	Total Cubic Feet Destroyed (include records listed on back)		
Legal Size Drawer	=2.0	12" x 15" x 10"		4 x 6 Card	=0.2			
Shelving 4' Letter	=2.3	Transfer Case	=2.5	5 x 8 Card	=0.3			
Shelving 4' Legal	=3.0	24" x 16" x 11"		Printouts 1	=1.25			



MINNESOTA HISTORICAL SOCIETY

STATE ARCHIVES DEPARTMENT

APPLICATION FOR AUTHORITY TO DISPOSE OF RECORDS

FOR USE BY RECORDS PANEL	
Application No	Date

Instructions:

- 1 This form does not provide continuous authority to dispose of similar records and cannot be used to approve a records retention schedule.
- 2 Complete original and three copies. Photocopies are acceptable.
- 3 Complete items 1 through 6 and item 8. Use reverse side to continue records description. If more space is needed, use plain paper.
- 4 Send original and two copies to the State Archives Department, 345 Kellogg Boulevard West, St. Paul, MN 55102-1906.
- 5 Retain one copy until your approved copy is returned. The approved copy will be your authority to dispose of records. It should be retained permanently.
- 6 Additional copies of this form are available from the address above or by telephoning (651) 297-4502. (FAX: (651) 296-9961)

NOTE: Laws of 1971, Chapter 529, Section 3 reads as follows: "It is the policy of the legislature that the disposal and preservation of public records be controlled exclusively by Minnesota Statutes, Chapter 138 and by this act, thus, no prior, special or general statute shall be construed to authorize or prevent the disposal of public records at a time or in a manner different than prescribed by such chapter or by this act and no general or special statute enacted subsequent to this act shall be construed to authorize or prevent the disposal of public records at a time or in a manner different than prescribed in chapter 138 or in this act unless it expressly exempts such records from the provision of such chapter and this act by specific reference to this section."

1 Agency or Office	2 Division or Section	3 Quantity of Records _____ Cubic Feet
4 Location of Records		5 Laws other than M S 138 17 that relate to the destruction or safekeeping of the records:
6 I certify that the records listed on this application are accurately described, and that they have no further administrative, legal, or fiscal value for this agency		AUTHORIZATION: Under the authority of M S 138 17, it is hereby ordered that The records listed on this application be destroyed, except as shown in item 7
Authorized Signature (Type name below)		Director, Minnesota Historical Society _____ Date _____
Name _____	Date _____	Legislative or State Auditor _____ Date _____
Title _____	Phone _____	Attorney General _____ Date _____
7 Exceptions to Destruction (For use by Records Disposition Panel)		

8. Description of Records. Describe each record series or type of record separately. Number each series, beginning with "1".

A Item No	B Name of record, form numbers, content, usage, arrangement, original duplicate, or microfilmed.	C Inclusive Dates

Making Records Retention and Disposition Happen

- Adopt the general records retention schedule
- Distribute the schedule to all records custodians/stewards
- Managers and supervisors lead by example
- Annual Record Review Week
- Document records destruction



Resources

- Human Resources section (issued October 2014) of the General Records Retention Schedule for Counties available on-line at:

<http://www.mchrma.org/County%20HR%20Records%20Retention%20Schedule%20and%20Adoption%20Form%2014.pdf>

- General Records Retention Schedule for Counties (issued 1985) available on-line at:

http://www.mnhs.org/preserve/records/docs_pdfs/mncounties_entireschedule.pdf

Resources

- Minnesota State Archives – Government Record Services
<http://www.mnhs.org/preserve/records/index.html>
 - Electronic Records Management Guidelines
 - Preserving Your Government Records Manual
 - Forms
- Information Policy Analysis Division – Minnesota Dept. Of Administration
<http://www.ipad.state.mn.us/>
 - Data Practices Advisory Opinions
 - Advice and assistance
 - Sample policies
 - Training