



Records Management Training

Records Retention, Disposition and Writing Schedules and Amendments

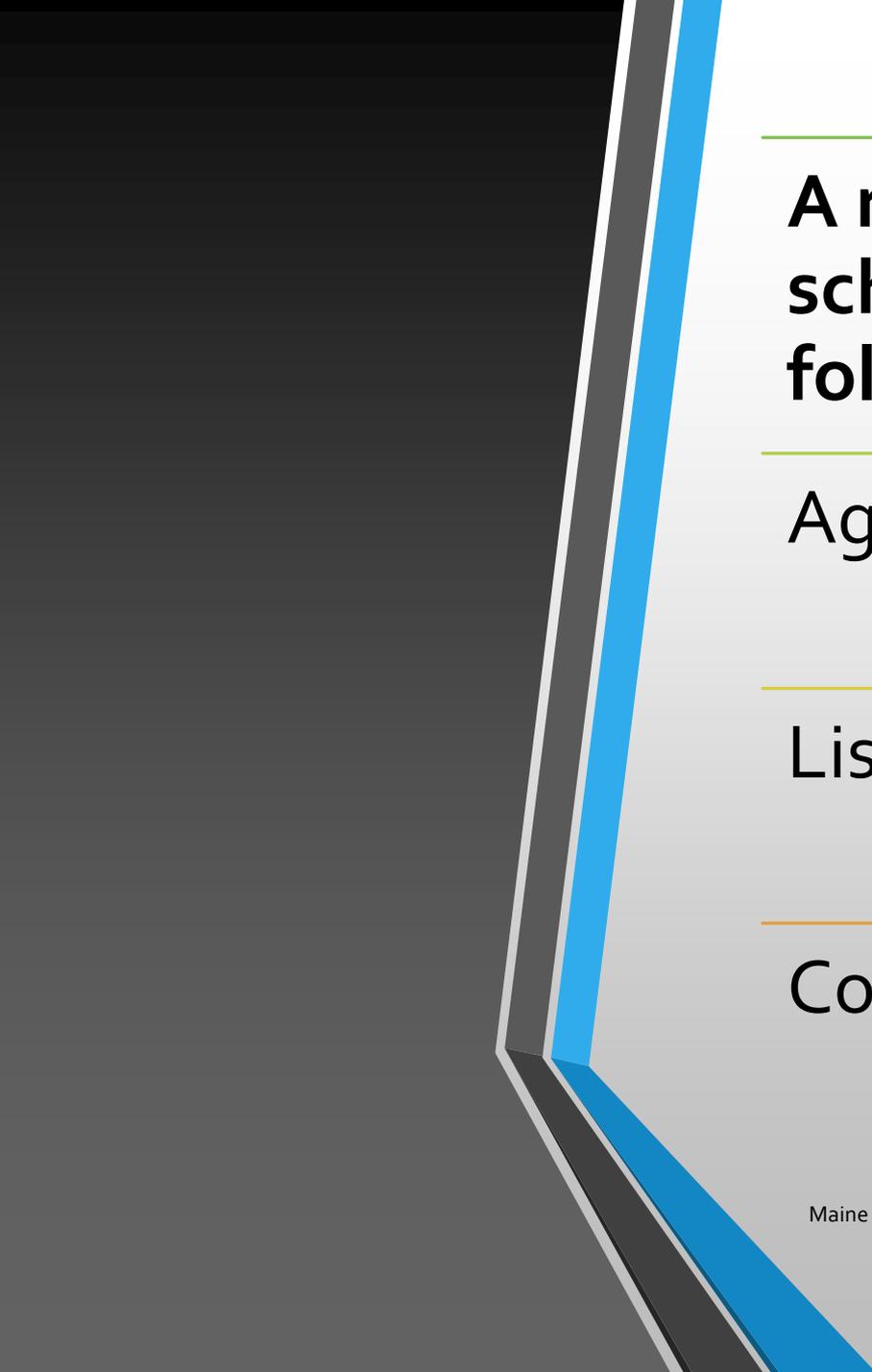
Managing Your Records

In order to have the information you need (when it's required), there must be a way to identify, manage and retain records for the right amount of time.

Records are managed by creating **retention schedules** –documents that tell you how long to keep specific types of records and what should happen to them once agency business has been served.



A Records Retention Schedule lists all the titles of a records series, length of time each series will be retained as an active record, the reason for its retention and disposition agreed by the agency and Records Management. A clearly defined plan for record retention and disposal is a vital component of a records program.



A records retention schedule can act as the following:

Agency policy document

List of work instructions

Compliance document

Why Schedules are Needed

Ensures records are organized and maintained to be easily retrieved

Helps to preserve historical records

Determines appropriate records media

Maximizes use of appropriate storage

Provides control throughout the records' life cycle

One major goal is to provide clear retention guidance for agency employees, so records are retained on a consistent basis.

Some Risks of Not Having Schedules



The more information an office retains, the greater the burden of identifying and locating records when needed for reference purposes and legal compliance.



Unnecessary Storage Costs (This includes electronic records!)



Possible destruction of records before they have met fiscal or legal requirements or possible destruction of archival records.



Having to produce records for a FOIA request which otherwise could have been destroyed.

Why Bother with Retention Schedules



Because we won't be here forever!

Schedules are needed to ensure retention information is written down so employees can remember what they are. An employee might know what the record means to them for current agency business. However, if retention information is not captured, this knowledge could be forgotten or neglected to be passed down to subsequent employees. In other words, twenty years from now, will anyone know what purpose is served by boxes of records found in the closet or on the server?

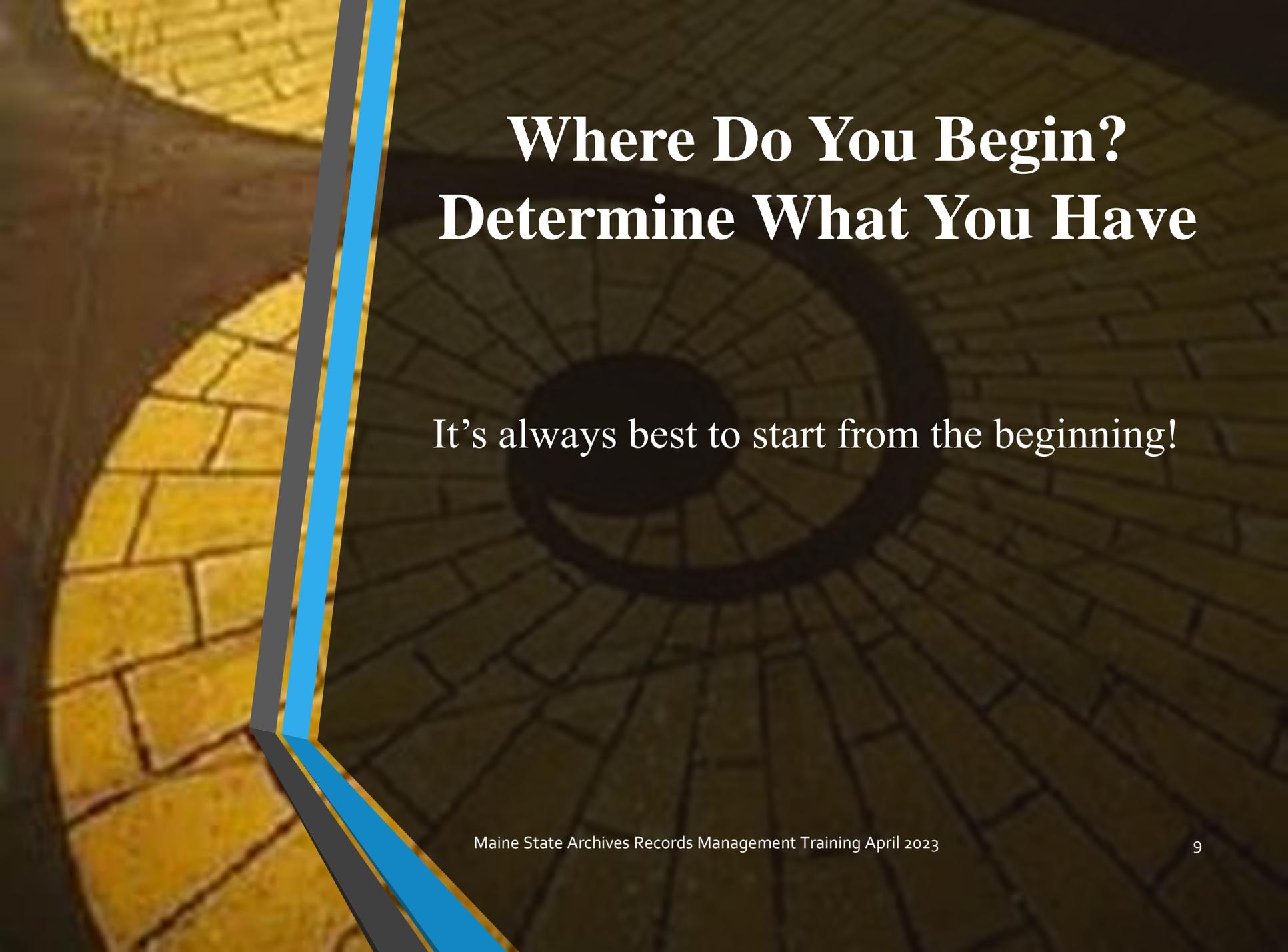
What Records Need to Be on a Schedule

All state government records must be covered by retention schedules. This includes records that never leave the creating agency's custody.

If you are creating and maintaining records in digital format, a retention schedule would still apply just as it would for paper or other formats.

Remember format does not dictate retention – record value (or content) does.





Where Do You Begin? Determine What You Have

It's always best to start from the beginning!

Identify Your Records

Conduct a Records Inventory

An Inventory is an important step in determining what records an agency is creating and retaining. The Inventory is a high-level survey of all types of information created, received and stored by the agency.

There are different methods of information gathering such as providing surveys/questionnaires or conducting interviews. Methods used can depend on staff involved, how large the agency is, and how long it's been since agency records have been inventoried.

Records Management can provide documents to help an agency begin an inventory.

When Gathering Information Ask the Following Questions

- Why is information being created? (This could be in the form of documents, files, data, correspondence, etc.)
- How does it serve the business needs of the agency?
- Is the information needed for any financial or legal requirements?
- What about once business needs are met?
- Who might look at it and why?
- Are there copies in different formats which are being kept? (Are duplicate copies being retained for convenience purposes?)
- Is there more than one person retaining this information?
- Is the information created by the agency or is it from outside sources? (Is this reference material?)

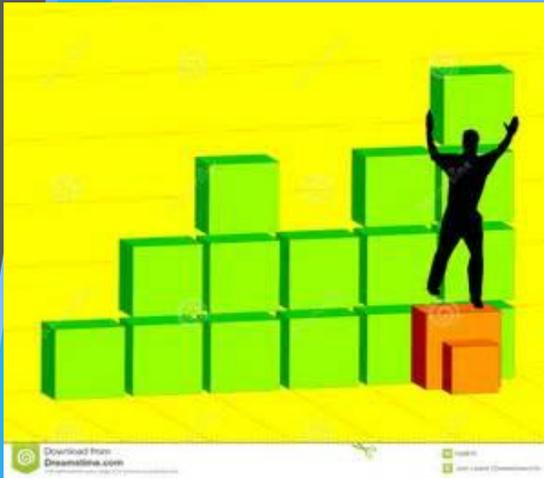
Answers to these questions provide key information in developing your retention schedules.

When looking at reasons a record is kept consider the following:

- Day-to-day business operations
- Audit and Budget
- Agency Policy
- Strategic planning
- Regulatory requirements
- Claims or investigations

If a record is required by law or statute, it may have a retention period which can be applied to it. In this case, the retention could be easily justified by citing the source.

Building a Structure



Once an inventory has been completed, there will be a better idea of records being created and retained by the agency.

It's important to understand how records are being used, to know how to label and arrange them.

Analyze inventory results and think about the functions of agency records. Once it has been determined what each record is used for, a structure can be built that reflects those different uses.

This is the agency's instruction booklet on how to manage and retain all agency records, making it as user-friendly as possible.

What Makes a Record Series

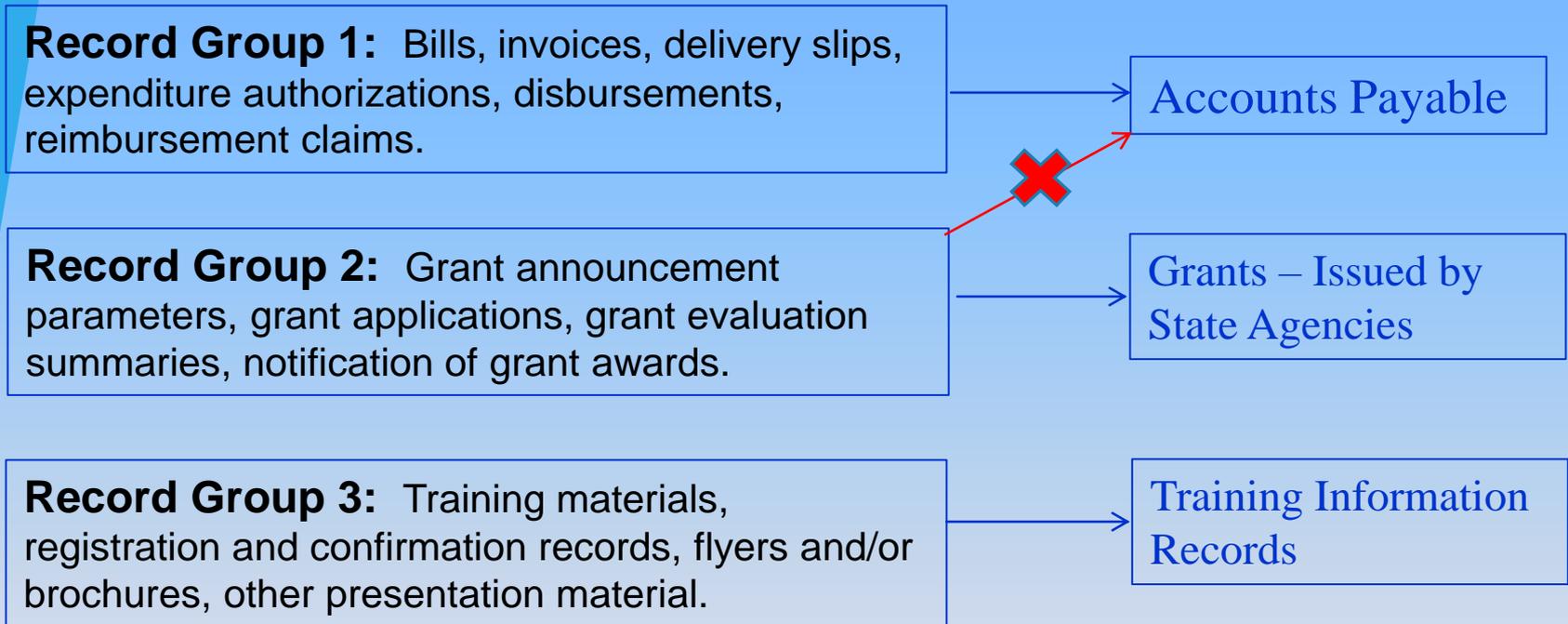
A series is a grouping of records that support similar business processes or contain similar information and have related legal or operational retention requirements.

Each record series consists of a description of the process the records support and examples of the types of records that fall under the series.

A retention period is associated with each record series (and must be the same for all records in a series).

Grouping Records - Example

Records can be placed within categories (or records series). When a record comes along that does not fit into any category, a new category can be created.



Categorizing records can only be done if you understand the records use and function to your agency.

How Big is Your Bucket

Determine Your Record Series





How Much to Fit in One Bucket How to Divide Up a Series

Consider General Schedule 4, Series 5, Employee Personnel Records. There may be several different documents within an employee's folder, some of which might have greater value than others, but it wouldn't make sense to separate out all the records, so they are grouped together under one series.

However, there may be other instances where it is easy to distinguish long term from short term retention in related files and create two series.

The goal is to select a structure that best accommodates your agency's needs while minimizing retention duplication or longer storage of documents.

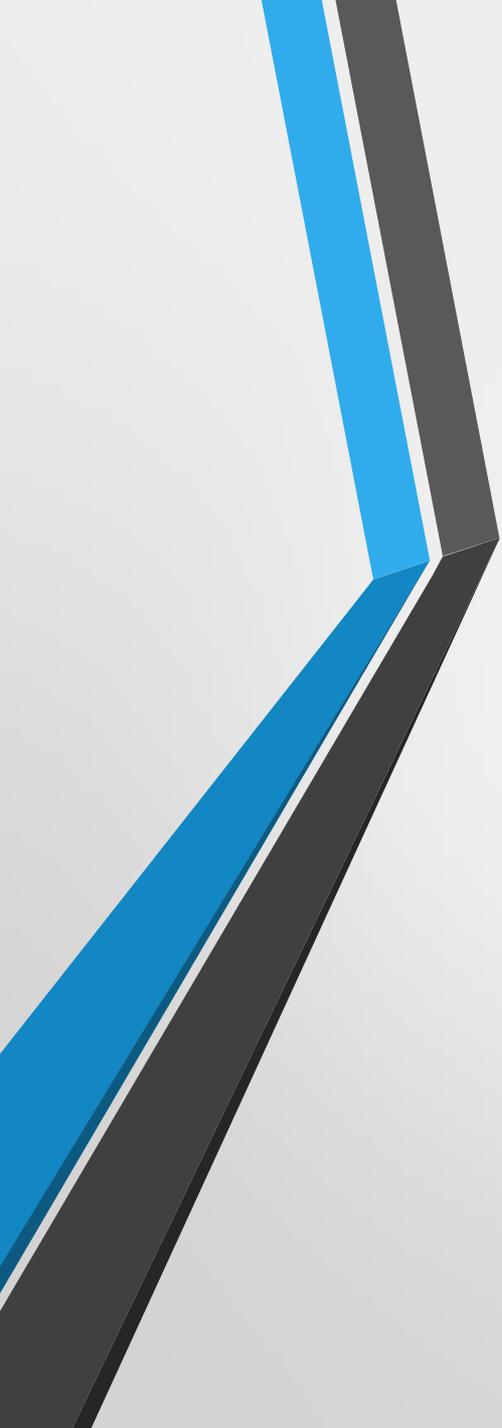
Record Series Examples

GS1.12 a	Operational Plans - Major	Comprehensive plans for the administration, reorganization or operation of an entire agency or major subdivision. Administrative and operational plans do not include mission-related or program-specific plans.	Archival (evaluated). Retain 6 years after superseded or obsolete. Typically, these records will be Archival and will be evaluated on a case-by-case basis.
GS1.12 b	Operational Plans - Routine	Plans developed to guide administrative and routine operations in program areas. These records typically include program unit weekly, monthly, and yearly work plans and plans for specific projects.	Retain 3 years then destroy

Series to AVOID

Avoid series categories such as “miscellaneous” or “general.” Agency schedules should list unique records.

Creating a general category is like developing a “catch-all” category for potentially unrelated records. This contradicts the purpose of an agency retention schedule – providing exact instructions for employees on what to do with specific records.



Use the Right Terms

A retention schedule is like a roadmap for agency records, giving employees clear direction on how to navigate throughout their records day.

Avoid using acronyms. AG could stand for Attorney General or Associated Grocers. Spell things out whenever possible and never assume that everyone knows what an abbreviation stands for.

The structure and terms of individual series will be the foundation of agency retention schedules (potentially for years to come) so make sure all the appropriate pieces are in place at the beginning.



Know When to Hold ‘Em (and when to Fold ‘Em)

Determine Retention and Disposition

Determine Retention and Disposition of Your Records

Unfortunately, there is no universal guide to determine retention periods or archival value. Each record series needs to be examined individually for usage patterns, departmental needs, legal requirements and historic value.

Agency retentions can vary widely depending on those items mentioned above. Even records that appear similar between two departments can have varied purposes and require different retention strategies.

How to Determine Retention Periods

Most agency retentions will be based on the business process for your agency.

An important thing to remember about business need in support of an active process is that it's typically a FINITE need.

There may be archival purposes beyond the active business needs but typically less than 5% of an agency's records will be archival.

To help determine retention, Maine State Archives has created a 4-Part Criteria...

Determining Retention Periods

4 Part Criteria

1. **Administrative use:** Records necessary in carrying out the function of the organization and needed for immediate retrieval. Might include daily business operational records (correspondence, transactions, daily reports). Typical need for these records is under 5 years.
2. **Fiscal requirements:** Records required to be retained for the completion of fiscal activities such as audit or budget periods. They document an agency's fiscal responsibilities (invoices, receipts, purchase orders). Typical retention is 7 years. Some Federal requirements may be 10 years.
3. **Legal requirements:** Records retained specifically for compliance with statutes, agency rules or protection of legal rights and interests. May include federal requirements. Records which may be needed as evidence in legal cases or leases, contracts, court case files. There may be specific language stating how long records are required to be retained for legal purposes.
4. **Historical or research purposes:** These records may document historical events or the history and development of the agency. These are records having archival/enduring value (board minutes, policy decisions, Commissioner's correspondence).

Where to Start

Start with business or administrative need. An agency shouldn't get rid of a record before they are through using it. Active business use determines the minimum retention period for a records series.

Next, as part of the business process, determine if there are any fiscal or audit purposes for the records for which a specific retention time can be applied.

Determining legal requirements may prove more difficult. Maine Statutes often mention the "how" of records but not "how long." Check with your AAG or legal counsel to help make these determinations.

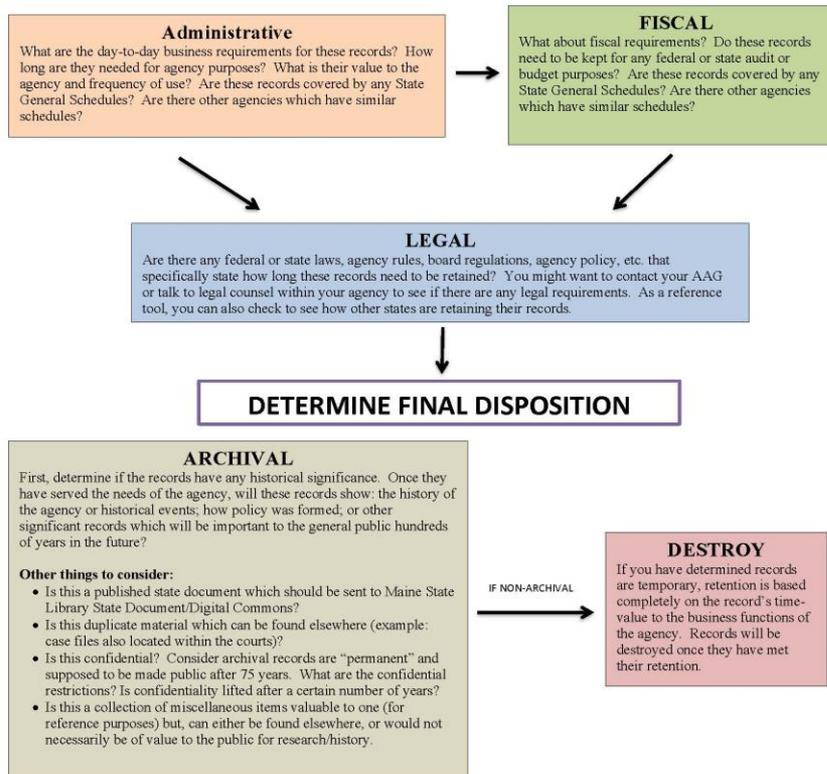
Determining Retention Periods

The Retention/Disposition Flow Chart

How do agencies determine the disposition and retention of their records? They use what we call the 4-Part Criteria: Administrative, Fiscal, Legal and Historical (Archival). The agency should know the significance and function of their records and the laws and policies that drive them and be able to determine proper disposition and retention times. Use this chart to help you.

DETERMINE RECORD RETENTION

Determine how long records will be retained either in the agency, the Records Center or a combination of both.



Let's Talk About Risk



Records Retention and the Risk Factor

Once you have gone through business and legal needs for records, decide whether there are any reasons which justify keeping the records longer. What is the potential risk factor of not having these records?

The answer can be straightforward: administrative need dictates a 5-year retention but there is a high potential these records will be needed for federal requirements which dictate a 10-year retention. In other words, there is considerable risk in not retaining these records at least 10 years. The risk is low to none after 10 years.

Is it Reasonable?

If an agency decides to retain records beyond business or legal needs, they need to be sure there is a reasonable justification for why. At some point, this decision might be questioned.

Agencies' formal justifications and a well thought out, "reasonable" decision for why records are being retained will eliminate guesswork and provide a defensible position for agency recordkeeping.

Can You See into the Future?

Another consideration in the risk factor is attempting to forecast the future of what *might* occur. One reason an agency might want to keep records beyond any minimum requirements is because they think there will be some need for them in the future. Consider the following:

- Has this event occurred before?
- What is the basis for assuming this event will occur?
- Will these events occur often enough or are they important enough to justify a longer retention?

Be aware of any kind of lawsuits or investigations your agency may be involved in. Having a knowledge of agency records and how they are used enables employees to make the best decisions for retention.

Some Notes About Risk and Retention

For the sake of “CYA” it would be easy to keep everything for as long as possible *just in case* someone, someday might want the records or in case they will provide some evidence-based information for a possible lawsuit or investigation.

However, this type of retention is both costly and impractical and would be considered poor records management.

Some possible risks are so unlikely that keeping records for that sole purpose is completely unnecessary.

Sample Risk Measurement

Risk – High

Probability – Likely to occur each year or more than 25% chance of occurrence

Impact – Significant impact to the agency and its processes, procedures and business activities

Risk – Medium

Probability – Likely to occur in a 10-year time period or less than 25% chance of occurrence

Impact – Moderate impact to the agency and its processes, procedures and business activities

Risk – Low

Probability – Not likely to occur in a 10-year period or less than 2% chance of occurrence

Impact – Low impact to the agency and its processes, procedures and business activities

(Based on a scale from *Managing Risks for Record and Information* by Victoria Lemieux)

Some reasons people want to retain records longer than necessary:

- They overestimate the real, ongoing value of their records;
- They assume records must be kept longer for legal reasons than what is required;
- They assume they must be able to answer any inquiry, regardless of how unreasonable or how old the information requested;
- They are simply afraid to “let go” or;
- Their assumptions about risk are based upon purely hypothetical worst-case scenarios, or some past one-in-a-million occurrence.

Things To Consider



- Avoid the “Just in Case” or CYA syndrome.
- Information should be retained if there is a *reasonable* probability it will be needed at some future time to support legal or business objectives, and the consequences of its absence would be substantial.
- Remember, the presence or absence of information can be either helpful or harmful.
- Information should be retained for the initial intent for which it was originally created. (An agency shouldn’t be hanging on to records, especially personal information, “just in case” it can be used for some other purpose.)

When Does Retention Begin



Retention starts at some Trigger Event - something which occurs to initiate the beginning of the retention period. Typically, for most state government records, it is when a record is considered closed (when the normal business process has concluded).

For other records it could be based on a specific event such as the close of a Legislative session; termination of employee; specific age of client; or settlement of litigation.

Decide the trigger event for specific agency records; when records close so it is clear when retention periods begin.



Record Disposition

Temporary Records - retention is based completely on the record's time-value to the business functions of the agency, including financial or other statutory requirements, and reasonable access by interested parties.

Archival Records - determination is based on the record's value after it no longer serves the agency's business.

Determining Final Disposition

ARCHIVAL

Determine if the records have any historical significance. Once they have served the needs of the agency, do these records show: the history of the agency or historical events; how policy was formed; or other significant records which will be important to the public hundreds of years in the future?

TEMPORARY - DESTROY

If you have determined records are temporary (non-archival), retention is based completely on the record's value supporting business or legal requirements of the agency. Records will be destroyed once they have met their retention.

Temporary Value

Temporary records are finite - created to support administrative, fiscal and legal purposes of the agency. Once those purposes have been fulfilled, records will be destroyed.

Temporary records can have a short or long-term retention depending on business needs.

Retention of temporary records can be fulfilled within the agency, at the State Records Center or a combination of both (depending on total retention time).

Keep in mind that records retained for trending and analysis, or other “long-term” needs may only have temporary value. It is important to assess how long records will be of value. Avoid defaulting to an archival disposition when retaining records for 10, 20, or 50 years is all that is required.

Archival Value

Once the record fulfills the purpose for which it was created, the importance of the record (its **primary value**) ends.



While state government creates records for specific legal, fiscal, or administrative reasons, it may, in the process, produce records considered historical in nature. Such records are said to have a **secondary value**; they document things of interest to other people or organizations by providing information about subjects, events, or people in the State of Maine.

- Provides significant evidence of how the agency has instituted policy and procedure (significant historical procedures of the agency)
- Provides significant information about people, places, or events which the agency is involved with including:
 - Information **about people** - their economic conditions, their values and concerns
 - Information **about places** within state government or the state itself
 - Information **about events** - agency or state events or possibly even national events which the agency is involved in

Archival Value – Some Things to Look For

Things to Consider



- Do the records document important or precedent-setting decisions or transactions?
- Do the records contain information on people, places, things, phenomena, or events that will be useful to researchers, historians, scholars, genealogists, etc.?
- Is the information unique, or are there other available sources that contain essentially the same information in a usable form?
- Who created the records? (Are these original records created by your agency?)
- Is this confidential? For how long?
- Is this really reference material valuable to one person in the agency but would not necessarily be of value to the public for research/history?
- Is this a published state document which should be sent to the Maine State Library - State Documents/DigitalMaine?

Ask the People Who Know

Remember just because something is old doesn't necessarily make it archival worthy. It might be "cool" to look at but consider if it truly has value for research purposes or if anyone would be likely to need it in the future.

It's also a good idea to ask experts instead of guessing at the value of the records you have. Maine State Archivists can evaluate records for archival content.





You Find Records – Now What?

Process for Scheduling Agency Records

Step One - What Are They

Find out:

WHAT the records are. (Make sure they are actual records documenting the functions of the agency and not reference materials.)

WHY they exist. (What business process do they support?)

HOW they are being retained. (Are they in more than one media format?)

WHO is creating the records. (Who is responsible for retaining the record copy?)

Step Two – General Schedules

Find out if they are listed under the General Record Schedules.

The General Schedules are issued by the Maine State Archives to provide retention and disposition standards for records common to most State agencies.

If you are retaining records in your office which are covered by the General Schedules, an agency schedule would not be necessary. It would be recommended to make staff aware of any General Schedule retentions which they are to follow by way of an agency policy.

(Note: Any records being transferred to the State Records Center or Archives must be on an agency schedule.)

State General Schedules were updated in March 2022. There are nine schedules covering the records below:

- GS1 Administrative Records
- GS2 Financial Records
- GS3 Payroll Records
- GS4 Personnel Records
- GS5 Correspondence Records
- GS6 Electronic Records
- GS7 Records Management
- GS8 Meeting and Board Records
- GS9 Miscellaneous/Short-Term Materials

NOTE: It is highly recommended agencies review the updated State General Schedules. There are many changes, new schedules and new series to provide minimum standard guidance for those records commonly created by agencies.

Step Three – Agency Schedules

Do they already exist on an Agency Schedule?

If they do, make sure the schedule is up to date with the current practices of your agency.

If the records are not on a General Schedule or Agency Schedule, then a new schedule will need to be created.

Step 4 Records Retention Schedules



Maine State Archives
84 SHS, Augusta, ME 04333-0084
Tel. (207) 287-5798 Email: recordsmanagement.archives@maine.gov

Application for Records Retention Schedule

Department	Bureau/Division	Date
Agency Records Officer	Mailing Address	Telephone Number

Certificate of Agency Representative:
I hereby certify that I am authorized to act for this agency in matters relating to the disposal of its record series as described in this Records Retention Schedule.

Date	Signature of Agency Records Officer (Other Agency Head – Please Specify)
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New Schedule
 Amendment to Existing Schedule Schedule Number:

Amendments

Change in retention (please provide justification):
 Change in Title (list new title below) Previous Title:
 Change in Media Type (list new media below) Previous/additional Media Type:
 Change in Description (use Inventory form or insert a text box below as space allows)
 Add Series (complete series title/retention information below and include complete Inventory form)
 Make Series Obsolete (complete series information below and provide justification):
 Other (describe)

Series No. <small>Include if Amendment</small>	Series Title	Media Type <small>(paper, digital, mixed etc.)</small>	Retention begins once records are closed. <small>(See Inventory form)</small>		Destroy or Archives
			Time Retained in Agency*	Time Retained in Center*	

*Provide retention time in agency and in Records Center. Records would not be sent to the Records Center (or Archives) until records are closed and the agency retention time is fulfilled.

Maine State Archives Use Only		Agency No.	Schedule No.
Date		Signature of State Archivist	

MSARM 22/Rev. 2/2023

Schedules Provide a Defensible Position



Schedules provide the defense and support for any actions your agency takes regarding the records in your office. If there is ever any question about records being kept or destroyed or any legal issues, you have the schedules as your justifiable defense provided:

- 1) all agency records are on a schedule;
- 2) schedules are up to date;
- 3) retention periods can be justifiably explained.

Agency Schedules - Process

The Agency Records Officer submits an Application for Records Retention Schedule and Inventory Form ([available on our website](#)) with proper justifications for the chosen retention times. Samples of the materials are also submitted.

We recommend contacting Records Management to discuss the records before a schedule application is submitted. This can prove to be beneficial for both our agency and yours.

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Agency Records Officer	Mailing Address	Telephone Number

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Date	Signature of Agency Records Officer (Other Agency Head – Please Specify)
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New Schedule **Amendment to Existing Schedule** **Schedule Number:**

Amendments

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- Change in Title (list new title below) Previous Title:
- Change in Media Type (list new media below) Previous/additional Media Type:
- Change in Description (use Inventory form or insert a text box below as space allows)
- Add Series (complete series title/retention information below and include complete Inventory form)
- Make Series Obsolete (complete series information below and provide justification):
- Other (describe)

Series No. <i>Include If Amendment</i>	Series Title	Media Type <i>(paper, digital, mixed, etc.)</i>	Retention begins once records are closed. (See Inventory form)		Destroy or Archives
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Maine State Archives Use Only		Agency No.	Schedule No.
Date	Signature of State Archivist		

Schedule Application Form

Maine State Archives Records
Management Training April 2023

Section 1 – Contact information is essential. Please complete all items in this section		
Department	Bureau/Division	Date
Person to Contact	Telephone No.	Location of Records
Mailing address	Email address	

Section 2 – Series information is essential. Please complete all items in this section

Series Title (Must match title on Schedule Application)

Description of Records:
Provide a description of when records are considered closed. (This is when retention will begin.)

Provide a COMPLETE description of the records in this series including what documents are considered part of the series and how these records are used.

Record Retention/Disposition: How long do you need to store these records? (Retention times must match the schedule application.)

In Your Agency	In the Records Center	Archives or Destroy (your recommendation)

Provide justification for how your agency determined retention/disposition of the records. What Statutes, laws, regulations, or research information did you use?

Confidentiality: Are records confidential? no yes If yes, list **SPECIFIC** statutes/regulations which apply.

CONFIDENTIAL/ARCHIVAL: If records are archival, how long do they remain confidential before being released to the public? Please give **SPECIFIC** number of years. Years **NOTE:** State Archives (per statute) can release records in their custody after being retained 75 years.

Can the same information be found elsewhere? *(If yes, please explain why the agency needs to retain these records.)*

For **MIXED** material, what is included: Paper Microfilm Microfiche Digital File Photograph Other _____

Section 3 – This information is optional (helpful but not mandatory).

Arrangement: Alphabetically Chronologically Geographically Case number Other _____

The chart below applies for those agencies doing an internal inventory. If you have the information, please provide.

Date of Oldest File	Volume in Cubic Feet if Applicable	Annual Rate of Accumulation if Applicable	Filing and Storage Equipment <i>(How are records stored)</i>

Inventory Form

Maine State Archives
 Records Management
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What to Complete on Forms for New Schedule

On the Schedule Application form:

- Complete all contact information at the top of the page.
- Select the box for NEW schedule.
- Fill in series title, media type, time retained in the agency, at the Records Center (might be “none”) and whether these are being recommended as archival or destroy materials.

On the Inventory form:

- Complete all contact information in Section 1.
- In Section 2 provide an explanation of when records close. Give a thorough description of the records so anyone reading this can understand the record purpose and what materials are included.
- Other important items include providing a justification/explanation for how retention was decided, and if the records are confidential (how long are they confidential).

Review and Approval

Any new schedules or amendments are submitted to the Records Management Analyst for initial review.

If there are any basic questions or retention justifications that need to be made, the Analyst will send a request back for further information or clarification. If the Analyst agrees with the submitted schedule or amendment, it will move on to the State Archivist. New schedules will be presented to the Archives Advisory Board before final approval and adoption.

A signed copy will be returned. This is considered an agreed to contract between the submitting agency and the State Archives. The agency is expected to follow agreed to retentions and disposition.

How to Implement Approved Schedules

Once you have schedules, what do you do with them?

Make sure all schedules are written into agency policy or office file plans. Train employees so everyone is consistently retaining records the same way for the same length of time. Have the agency policy approved and enforced by management to ensure adherence to the schedules by all staff. Conduct annual reviews to purge information, making this part of your records management policy.



Time to Update – Now What



The Process for Updating Schedules

Why an Amendment Might be Needed

After a retention schedule has been approved by the Maine State Archives, the agency may need to change it.

Business Needs
Program Ending
Regulation/rule Change
Media Change

Steps to Complete the Amendment

Step One – If it's been several years since a records inventory has been conducted, now would be the time to do one.

Step Two – If you are doing a complete schedule revision - this isn't a one-person job. You will need input from all sections regarding the changes to records and business functions. It's best to form a team and a plan of attack to review inventory results and current schedules.

Step Three – Once you have results and a team in place, decide what is outdated, what needs to be revised and what new records need to be added. If your schedules haven't been updated for 30 years, you could be starting from scratch.

Step Four – Submit the Application for Records Retention Schedule form. Mark the application “amendment.”

Department		Bureau/Division		Date	
Agency Records Officer		Mailing Address		Telephone Number	
Certificate of Agency Representative: I hereby certify that I am authorized to act for this agency in matters relating to the disposal of its record series as described in this Records Retention Schedule.					
Date		Signature of Agency Records Officer (Other Agency Head – Please Specify)			
<input type="checkbox"/> New Schedule <input type="checkbox"/> Amendment to Existing Schedule Schedule Number:					
Amendments					
<input type="checkbox"/> Change in retention (please provide justification): <input type="checkbox"/> Change in Title (list new title below) Previous Title: <input type="checkbox"/> Change in Media Type (list new media below) Previous/additional Media Type: <input type="checkbox"/> Change in Description (use Inventory form or insert a text box below as space allows) <input type="checkbox"/> Add Series (complete series title/retention information below and include complete Inventory form) <input type="checkbox"/> Make Series Obsolete (complete series information below and provide justification): <input type="checkbox"/> Other (describe)					
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			Time Retained in Agency*	Time Retained in Center*	
*Provide retention time in agency and in Records Center. Records would not be sent to the Records Center (or Archives) until records are closed and the agency retention time is fulfilled.					
Maine State Archives Use Only		Agency No.		Schedule No.	
Date		Signature of State Archivist			

Schedule Amendment Form

Maine State Archives
Records Management
Training April 2023

What to Complete on Forms for Schedule Amendment

On the Schedule Application form:

- Complete all contact information at the top of the page.
- Select the box for Amendment to Existing Schedule.
- Provide the Schedule number.
- Select all boxes which pertain to why the series is being amended (title change, retention change, description change, being made obsolete, etc.)
- Fill in series number, updated series title, media type, retention times, and current disposition status.

Inventory form:

Unless there are substantial changes to the description, the inventory form is not necessary.

NOTE: Justifications must be provided for any changes to retention times or for making a series obsolete.

Examples of Series (probably) Needing to be Amended

Schedule #715 23#:Milk Pool Calculation Sheets

Computer sheets calculating the redistribution of the Maine Milk Pool.

Computer Printout 1/3/1989 7 Years No Retention Destroy

Schedule #1012 6#:1992 Maine Jobs Creation Bond

A general bond referendum bond issue of 28 million dollars of funds for the creation of jobs. Successful applicant files contain applications, contracts, wage determinations, press clippings and correspondence.

Paper 11/18/1992 2 Years 2 Years Destroy

Schedule #456 5#:Vital Statistics Key punch Cards

Marriages 1955-59; Adoptions 1952-65; Divorces & Annulments 1954-59; Births 1954-65; Deaths 1951-66. Destroy 1/88 (already in Records Center).

Paper 3/7/1986 None Contingent Upon Event Destroy

Schedule #138 7#:Transitory Correspondence

Incoming requests for information dealing with operator licenses; registrations; examinations; titles and other related matters. Outgoing correspondence answering requests. Includes requests for printed material.

Paper 9/29/1975 2 Years None Destroy

Retention Schedule in FOAA or Discovery Proceedings

If your retention schedules have been well designed, they can help considerably for Freedom of Access requests.

1. The retention schedule tells you what you have and don't have - When you get a 10-year request for records, but the record schedule has a 6-year requirement this can save time, so it is clearly known what or how much to search for.
2. Your schedule functions as an index - The schedule provides a list of records you have, how much you have, what format they're in and where they should be stored.
3. The schedule helps you explain absent records - When there is a request and someone complains about the absence of records, justified retention schedules demonstrate the absence is entirely legitimate.

NOTE: Be certain retention schedules are adhered to, that records are retained for the right amount of time but also destroyed when retention has been fulfilled. This includes both paper AND ELECTRONIC records.

Things to Consider

- ▶ Ensure retention periods comply with applicable laws, in case retention and destruction of records are ever called into question.
- ▶ Be certain retention periods are justified and have a thorough understanding of agency records. If nobody in the agency can explain how the schedule was developed, this could be taken as a sign of negligence.
- ▶ The destruction of records should occur as a routine business process in accordance with the retention schedule – for both paper and electronic records.
- ▶ If you do become aware of a lawsuit or other type of discovery, any relevant records cannot be destroyed until it is determined the matter is resolved or the legal hold is lifted.



Record Maintenance



Maintain Your Records on an Ongoing Basis

We recommend schedules are reviewed every 2 years. Schedules that are 40 years old are probably as ineffective and inefficient as having no schedules at all.

Review new laws and regulations that impact records retention requirements. Retention schedules can quickly become outdated.

Review programs, policies and procedures, and disposal processes on a regular basis. Clean out inactive records or those which have met their retention periods, including electronic records. Schedule a records “clean-up” day on a quarterly (or other regular) basis which every employee participates in.

Final Note - Where Records Are Located

Structure of the Maine State Archives

- State Records Center (located in Hallowell) – for temporary records that will be destroyed, or “pre-archival” records sent to Archives once retention has been fulfilled.
- State Archives – for permanent records with historical/archival value

Ownership of Records

All public records belong to the State of Maine, not to individuals or individual agencies. For RM purposes, the agency maintains control of records at the State Records Center and is provided access. Records are released only to individuals the agency has assigned as an approved cardholder. Any pre-archival records can be retrieved but cannot be altered. (If files or boxes are requested, they must be returned as they were received.)

Archival records maintained by the State Archives are available for public inspection but do not leave the Archive’s facility. Confidential records, per Title 5, Chapter 6, will be made available after 75 years (unless otherwise specified or approved by State Archivist).



Questions



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