

# Local Government Records Act

# D



**SLRM**  
STATE AND LOCAL  
RECORDS  
MANAGEMENT

LOCAL GOVERNMENT BULLETIN D  
SEPTEMBER 2019

# Table of Contents

## Local Government Code

### Title 6. Records

#### Subtitle C. Records Provisions Applying to More Than One Type of Local Government

|   |    |
|---|----|
| <b>CHAPTER 201. GENERAL PROVISIONS</b> .....  | 5  |
| Section 201.001. SHORT TITLE. ....  | 5  |
| Section 201.002. PURPOSE.....   | 5  |
| Section. 201.003. DEFINITIONS.....  | 5  |
| Section 201.004. RECORD BOOKS.....  | 7  |
| Section 201.005. DECLARATION OF RECORDS AS PUBLIC PROPERTY; ACCESS.....   | 8  |
| Section 201.006. RECORDS TO BE DELIVERED TO SUCCESSOR IN OFFICE.....  | 8  |
| Section 201.007. RECORDS OF ABOLISHED LOCAL GOVERNMENTS.....  | 8  |
| Section. 201.008. RECORDS OF ABOLISHED OFFICES OF COUNTY SUPERINTENDENTS OF SCHOOLS.<br>.....                   | 9  |
| Section 201.009. ACCESS TO RECORDS.....   | 10 |
| <b>CHAPTER 202. DESTRUCTION AND ALIENATION OF RECORDS</b> .....   | 10 |
| Section 202.001. DESTRUCTION OF RECORDS.....  | 10 |
| Section 202.002. LITIGATION AND OPEN RECORDS REQUESTS.....  | 11 |
| Section 202.003. METHOD OF DESTRUCTION. ....  | 11 |
| Section 202.004. ALIENATION OF RECORDS.....   | 11 |
| Section 202.005. RIGHT OF RECOVERY.....   | 12 |
| Section 202.006. DESTRUCTION OF NONRECORD MATERIAL.....   | 13 |
| Section. 202.007. PERSONAL LIABILITY. ....  | 13 |
| Section 202.008. PENALTY: DESTRUCTION OR ALIENATION OF RECORD.....  | 13 |
| Section 202.009. PENALTY: POSSESSION OF RECORD BY PRIVATE ENTITY.....   | 13 |
| <b>CHAPTER 203. MANAGEMENT AND PRESERVATION OF RECORDS</b> .....  | 14 |
| <b>SUBCHAPTER A. ELECTIVE COUNTY OFFICES</b> .....  | 14 |
| Section 203.001. RECORDS MANAGEMENT OFFICER.....  | 14 |
| Section 203.002. DUTIES AND RESPONSIBILITIES OF ELECTED COUNTY OFFICERS AS RECORDS<br>MANAGEMENT OFFICERS. .... | 14 |
| Section 203.003. DUTIES OF COMMISSIONERS COURT. ....  | 14 |
| Section 203.004. DIRECTOR AND LIBRARIAN.....  | 15 |
| Section 203.005. RECORDS MANAGEMENT PROGRAM TO BE ESTABLISHED.....  | 15 |

|  |           |
|--|-----------|
| <b>SUBCHAPTER B. ALL OTHER LOCAL GOVERNMENT OFFICES .....</b>              | <b>16</b> |
| Section 203.021. DUTIES AND RESPONSIBILITIES OF GOVERNING BODY. ....       | 16        |
| Section 203.022. DUTIES AND RESPONSIBILITIES OF CUSTODIANS. ....           | 16        |
| Section 203.023. DUTIES OF RECORDS MANAGEMENT OFFICER. ....                | 17        |
| Section 203.024. DIRECTOR AND LIBRARIAN. ....                              | 18        |
| Section 203.025. DESIGNATION OF RECORDS MANAGEMENT OFFICER. ....           | 18        |
| Section 203.026. RECORDS MANAGEMENT PROGRAM TO BE ESTABLISHED. ....        | 19        |
| <b>SUBCHAPTER C. RECORDS CONTROL SCHEDULES .....</b>                       | <b>20</b> |
| Section 203.041. PREPARATION AND FILING OF RECORDS CONTROL SCHEDULES. .... | 20        |
| Section 203.042. RETENTION PERIODS. ....                                   | 21        |
| Section 203.043. FILING OF RECORDS CONTROL SCHEDULES. ....                 | 21        |
| Section 203.044. INITIAL DESTRUCTION OF OBSOLETE RECORDS. ....             | 21        |
| Section 203.045. DESTRUCTION OF UNSCHEDULED RECORDS. ....                  | 22        |
| Section 203.046. RECORDKEEPING REQUIREMENTS. ....                          | 22        |
| Section 203.047. NEW LOCAL GOVERNMENTS. ....                               | 22        |
| Section 203.048. CARE OF RECORDS OF PERMANENT VALUE. ....                  | 22        |
| Section 203.049. TRANSFER OF RECORDS OF PERMANENT VALUE. ....              | 22        |
| Section 203.050. INSPECTION OF PERMANENT RECORDS. ....                     | 23        |
| <b>CHAPTER 204. MICROFILMING OF RECORDS .....</b>                          | <b>23</b> |
| Section 204.001. DEFINITIONS. ....   | 23        |
| Section 204.002. AUTHORIZATION. ....                                       | 24        |
| Section 204.003. MICROFILM PRODUCED UNDER PRIOR LAW. ....                  | 24        |
| Section 204.004. STANDARDS AND PROCEDURES. ....                            | 24        |
| Section 204.005. RULES TO BE UPDATED. ....                                 | 25        |
| Section 204.006. INDEXING. ....  | 25        |
| Section 204.007. DESTRUCTION OF ORIGINAL RECORDS. ....                     | 25        |
| Section 204.008. DESTRUCTION OF PERMANENT RECORDS. ....                    | 26        |
| Section 204.009. MICROFILM OF PERMANENT RECORDS TO BE SUPPLIED. ....       | 26        |
| Section 204.010. COMMERCIAL MICROFILM STORAGE FACILITIES. ....             | 26        |
| Section 204.011. EFFECTIVE AS ORIGINAL RECORD. ....                        | 27        |
| <b>CHAPTER 205. ELECTRONIC STORAGE OF RECORDS .....</b>                    | <b>27</b> |
| Section 205.001. DEFINITIONS. ....   | 27        |
| Section 205.002. AUTHORIZATION. ....                                       | 27        |

|   |    |
|---|----|
| Section 205.003. STANDARDS AND PROCEDURES TO BE ADOPTED. ....           | 28 |
| Section 205.004. RULES TO BE UPDATED. ....                              | 28 |
| Section 205.005. SUPREME COURT RULES. ....                              | 28 |
| Section 205.006. INDEX. ....  | 29 |
| Section 205.007. ELECTRONIC STORAGE AUTHORIZATION REQUESTS. ....        | 29 |
| Section 205.008. DESTRUCTION OF SOURCE DOCUMENTS. ....                  | 29 |
| Section 205.009. DENIAL OF ACCESS PROHIBITED. ....                      | 29 |
| Section 205.010. SECURITY BREACH NOTIFICATION BY LOCAL GOVERNMENT. .... | 30 |

**Government Code**

**Title 4. Executive Branch**

**Subtitle D. History, Culture, and Education**

|  |           |
|--|-----------|
| <b>SUBCHAPTER F. MAINTENANCE AND DISPOSITION OF CERTAIN COUNTY RECORDS</b> .....   | <b>31</b> |
| Section 441.091. DEFINITION. ....  | 31        |
| Section 441.094. RECORDS SCHEDULE AND IMPLEMENTATION PLAN. ....                    | 31        |
| Section 441.0945. DISPOSITION OF SCHEDULED RECORDS. ....                           | 32        |
| Section 441.095. DISPOSITION OF UNSCHEDULED RECORDS. ....                          | 32        |
| <b>SUBCHAPTER J. PRESERVATION AND MANAGEMENT OF LOCAL GOVERNMENT RECORDS</b> ..... | <b>33</b> |
| Section 441.158. LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES. ....                | 33        |
| Section 441.159. PRIOR RETENTION PERIODS IN COUNTY RECORDS MANUAL. ....            | 34        |
| Section 441.160. REVISIONS TO RECORDS RETENTION SCHEDULES. ....                    | 34        |
| Section 441.166. STATE AGENCY RULES. ....  | 34        |
| Section 441.167. ASSISTANCE AND INFORMATION. ....                                  | 34        |
| Section 441.168. MICROFILMING AND STORING LOCAL GOVERNMENT RECORDS. ....           | 34        |
| Section 441.169 DUTIES OF LOCAL GOVERNMENTS. ....                                  | 35        |

*Copies of this publication are available in alternative format on request.  
Published by the Texas State Library and Archives Commission, September 2019  
Seventh edition (incorporating amendments, effective September 2019, enacted by the  
86th Legislature)*

*For questions regarding this publication, please contact:  
Texas State Library and Archives Commission  
State and Local Records Management Division  
PO Box 12927  
Austin, Texas 78711-2927  
(512) 463-7610*

*Comments or complaints regarding the programs and services of the  
Texas State Library and Archives Commission may be addressed to: Director and Librarian,  
PO Box 12927, Austin, Texas 78711-2927, 512-463-5460; FAX 512-463-5436.*

# **LOCAL GOVERNMENT CODE**

## **Title 6. Records**

### **Subtitle C. Records Provisions Applying to More Than One Type of Local Government**

#### **CHAPTER 201. GENERAL PROVISIONS**

##### **Section 201.001. SHORT TITLE.**

This subtitle may be cited as the Local Government Records Act.

Amended by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

##### **Section 201.002. PURPOSE.**

Recognizing that the citizens of the state have a right to expect, and the state has an obligation to foster, efficient and cost-effective government and recognizing the central importance of local government records in the lives of all citizens, the legislature finds that:

- (1) the efficient management of local government records is necessary to the effective and economic operation of local and state government;
- (2) the preservation of local government records of permanent value is necessary to provide the people of the state with resources concerning their history and to document their rights of citizenship and property;
- (3) convenient access to advice and assistance based on well-established and professionally recognized records management techniques and practices is necessary to promote the establishment of sound records management programs in local governments, and the state can provide the assistance impartially and uniformly; and
- (4) the establishment of uniform standards and procedures for the maintenance, preservation, microfilming, or other disposition of local government records is necessary to fulfill these important public purposes.

Amended by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

##### **Section. 201.003. DEFINITIONS.**

In this subtitle:

- (1) "Commission" means the Texas State Library and Archives Commission.
- (2) "Custodian" means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records.



































































