Slide 1

Disposition 101
For Local Government & State Agency Records
State and Local Records Management Division
Texas State Library and Archives Commission
(512) 463-7610 | slrminfo@tsl.texas.gov
https://www.tsl.texas.gov/slrm

Slide 2

We Provide:
- Consulting and training services for state agencies and local governments
- Development of retention schedules and interpretation of administrative rules
- Storage and imaging services at the State Records Center

Slide 3

WEBINAR OBJECTIVES
- Learn what disposition means and why we do it.
- Review how to read a retention schedule to determine when records can be disposed.
- Discuss various methods of destruction, archival transfer, and tips about using vendors.
- Know when not to destroy records.
- Understand the importance of documenting disposition and involving a team.
Slide 4

What is Disposition?

Slide 5

“actions taken with regard to government records that are no longer needed for current government business as determined by their appraisal pursuant to legislation, regulation, or administrative procedure.”

Slide 6

Records Life Cycle

- Creation/Receipt
- Maintenance and Use
- Disposition
- Transfer to Archives
- Retention
  - Met: Destroy

Slide 8

Benefits of Disposition
- Creates Space
- Reduces Costs:
  - Physical Storage
  - Network Server Storage
  - Recovery
  - Speeds up Retrieval
  - Provides Legal Protection

Slide 9

Why can’t we get rid of it all?
- Illegal
- Intentional Destruction is Unlawful
- Consequences for Not Keeping Records Long Enough
  - Criminal Penalties and Fines Under the Public Information Act
Slide 10

Why can’t we just keep everything?

- Cost of Physical and Electronic Storage
- Time Spent on Retrieval
- The RMO (Government/Agency) Is Responsible for Protecting Records
- The Legal Risk

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Slide 11

Local Government Records Act

- A local government record may be destroyed if:
  - The record appears on a records retention schedule that’s been approved by TSLAC.
  - The retention period of the record has expired, or the record has been microfilmed or stored electronically.


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State Records Management Laws

- A state record may be destroyed if:
  - The record appears on a records retention schedule that’s been approved by TSLAC.
  - The record’s retention period has expired.

TSLAC § 441.187. Destruction of State Records.
Slide 13

Local Governments:
- Policy
- RMO Designation
- Declaration of Compliance
  - Follow updated retention schedules

State Agencies and Universities:
- RMO Designation
  - SLR 104
- Certified retention schedule

https://www.tsl.texas.gov/slrm/rrs

Ensure Compliance
https://www.tsl.texas.gov/slrm/forms#local

Slide 14

Get Support (aka “Buy-In”)
- Point Out Benefits
- Advertise “Shred Day” or “Delete Day”
- Incentives

Who should be involved?
- RMO
- Division or Department Head
- Legal Counsel
- IT/IRT
- Liaison or Coordinator

How do we start?

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What is a Records Retention Schedule?
- Lists all records series maintained by the state agency with mandatory prescribed minimum retention periods.
- Retention schedules are media-neutral.

Benefits:
- Comply with state records management laws.
- Convey retention rules to all agency staff.
- Identify, secure, and protect vital records.
### Slide 16

#### How to Read a Local Government Schedule

<table>
<thead>
<tr>
<th>Record Number</th>
<th>Record Title</th>
<th>Record Description</th>
<th>Retention Period</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>GR1000</td>
<td>MINUTES</td>
<td>Certified audiotapes of closed meetings</td>
<td>2 years</td>
<td>By law - Government Code, Section 551.104(a).</td>
</tr>
</tbody>
</table>

- **Unique # assigned to this record series by TSLAC:**
- **What TSLAC calls this series:**
- **The scope of the series:**
- **What kinds of records would be classified here:**
- **Minimum amount of time the records must be kept:**
- **Statutes that govern the retention of this record series and other notes about retention added by TSLAC:**

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### Slide 17

#### How to Read a State Agency Schedule

<table>
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<tr>
<th>Item No.</th>
<th>Record Series</th>
<th>Record Series Title</th>
<th>Description</th>
<th>Ret. Code</th>
<th>Retention Period</th>
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<tbody>
<tr>
<td>1</td>
<td>1.1.011</td>
<td>Executive Orders</td>
<td>Any document that initiates, rescinds, or amends a regulation, policy, or procedure that governs the programs, services, or projects of an agency.</td>
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<td>2</td>
<td>3.1.006</td>
<td>Employee Counseling</td>
<td>Notes, memoranda, or reports relating to the counseling of an employee for work-related, personal, or substance abuse problems. Usually maintained at the supervisorial level.</td>
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<td></td>
</tr>
<tr>
<td>3</td>
<td>3.2.004</td>
<td>Income Adjustment</td>
<td>Authorizations used to make increases or decreases to employees' gross pay, Federal Insurance Contributions Act (FICA), retirement, or in the computation of taxes.</td>
<td></td>
<td></td>
</tr>
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</table>

- **AC Definition:**
- **Archival:**
- **Remarks:**
- **Legal Citations:**

A VITAL RECORD
AC = Termination of counseling. CONFIDENTIAL RECORD
29 CFR §516.6 (a)

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### Slide 18

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Types of Disposition

Archival Transfer

Destruction

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(b) Transfers of permanent records to another local government require the prior approval of the director and librarian.

(c) In a transfer of permanent records under this section, title and control of the records and all rights pertaining to the records granted by law to the original custodian or elected county officer are vested in the commission or the local government that receives the records.

Archives
Transfer

Local Governments

Archives
Transfer: State Agencies

Section 441.181. State Archives Program.

The commission shall take legal custody of and preserve archival state records and shall endeavor to collect and preserve other historical resources determined by the director and librarian to possess sufficient value to warrant continued preservation in the state archives.

Section 6.8. Implementation of Certified Records Retention Schedules

Final disposition of state records must ensure:

1. Archival Records
2. Confidential Records
3. Final Disposition

Non-Permanent Records:
- To any public institution of higher education, public museum, public library, or other public entity.
- With the approval of the local government’s records management officer and after the expiration of the record’s retention period.

For the purposes of recycling only
- To any private college or university, private museum or library, private organization of any type, or an individual.
- Except with the consent of the director and librarian and after the expiration of its retention period.
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- A state record may not be sold, donated, loaned, transferred, or passed out of the custody of the state.
- This does not apply to the temporary transfer for the purposes of:
  - Microfilming
  - Duplication
  - Conversion to Electronic Media
  - Restoration

Alienation of State Records Prohibited.
(for State Agencies)

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- Pulping
- Shredding
- Burning
- Recycle
- Landfill

Open Records

Confidential Records

Destruction of Paper Records

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- Types of Shredding
  - Straight-cut
  - Cross-cut (5/16")
  - Compression
- Advantages & Disadvantages
  - Security
  - Price
  - Speed
Consider:
- Retention Period
- Essential Record
- Historical Value
- Affected Parties
- Destruction Holds

Can I shred after scanning?

Rules for:
- Confidential Records
- Magnetic Storage Media
- Disposition & Destruction Procedures

Best practices:
- Reformat
- Overwrite (DoD 5220.22-M)
- Degauss
- Physical destruction

Standards and Procedures for:
- Sensitive/Confidential Information
- Expungement
- Multiple Record Series

Industry Standard for Shredding:

<table>
<thead>
<tr>
<th>Microfilm</th>
<th>Microfiche</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 in. cross-cut</td>
<td>Shred 2x</td>
</tr>
<tr>
<td>1. 5/8 in. cross-cut</td>
<td></td>
</tr>
<tr>
<td>2. 3/8 in. cross-cut</td>
<td></td>
</tr>
</tbody>
</table>
Choosing a vendor:
- Industry recommendations
- Reliable references from other government bodies
- Compliance with RM Laws
- Certificate of Destruction

Comptroller Statewide Purchasing Department (SPD) Contracts
- State and local governments
- Secure Document Destruction Contracts
  https://www.tsl.texas.gov/slrm/cpa-spd-contracts

Questions concerning technical specifications should be directed to:
Craig Kelso OR Joshua Clark
Texas State Library and Archives Commission (TSLAC)
(512) 463-7610 | (512) 386-0270
Email: ckelso@tsl.texas.gov | jclark@tsl.texas.gov

When To Do Disposition
- Fiscal Year End
- Calendar Year End
- Slow time of year
- Before migration to a new system
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DESTRUCTION HOLDS:
- Administrative Review
- Litigation
- Public Information Request
- Audit
- Claim
- Negotiation

When NOT To Do Disposition


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The Last Minute

When NOT To Do Disposition
- Human Error
- Accidental Loss
- Negative Public Perception

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What if we destroy too soon?

- Intentional Destruction:
  - Class A Misdemeanor
  - Third Degree Felony
  - Penalties and Fines
Slide 37

- Policies and Procedures:
  - Compliance
  - Internal Approvals
- Actions:
  - Disposition logs
  - Training

State Gov. Code § 441.183, § 441.184, & § 441.187.

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- Sign-Off Authority:
  - RMO
  - Department Head
  - Financial Officer
  - IT
  - Legal Counsel

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Slide 39

<table>
<thead>
<tr>
<th>State Agencies</th>
<th>Local Governments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandatory</td>
<td>Strongly Recommended</td>
</tr>
<tr>
<td>Record Series</td>
<td>Date-Range</td>
</tr>
<tr>
<td>Date of Disposal</td>
<td>Volume</td>
</tr>
<tr>
<td>Disposal Method</td>
<td>Approval Signatures</td>
</tr>
</tbody>
</table>

---
<table>
<thead>
<tr>
<th>Situation</th>
<th>State Agencies</th>
<th>Local Governments</th>
</tr>
</thead>
<tbody>
<tr>
<td>The record is not on my agency's retention schedule/in any of the TSLAC Local Government Schedules.</td>
<td>*RMD 102 Must be filed with TSLAC</td>
<td>*Must be filed with TSLAC</td>
</tr>
<tr>
<td>The record was lost, damaged, or destroyed too soon.</td>
<td>*Provide notice to TSLAC at least 10 days before destroying the record.</td>
<td>*Must be filed with TSLAC</td>
</tr>
<tr>
<td></td>
<td>*RMD 102 Must be filed with TSLAC</td>
<td>Documentation of Premature Loss or Destruction of Records</td>
</tr>
</tbody>
</table>

Other Situations When TSLAC Must Be Involved

➢ [https://www.tsl.texas.gov/slrm/forms](https://www.tsl.texas.gov/slrm/forms)
Provide Training:
- Onboarding
- Refreshers
- Shred Days
- Marketing/Incentives

Records Management Webinars:
https://www.tsl.texas.gov/slrm/training/webinars

Records Management Laws and Rules:
https://www.tsl.texas.gov/slrm/pubs

The Texas Record blog:
https://www.tsl.texas.gov/slrm/blog/

External Resources:
https://www.tsl.texas.gov/slrm/training/external

Any questions?
Find your analyst:
- Local Governments:
  https://www.tsl.texas.gov/slrm/local/countylist
- State Agencies:
  https://www.tsl.texas.gov/slrm/state/agencylist
- slrminfo@tsl.texas.gov