

MANAGING PUBLIC RECORDS IN THE STATE-SUPPORTED UNIVERSITIES OF NORTH CAROLINA

Introduction to the University Records Retention and Disposition Schedule

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PUBLIC RECORDS WITH SHORT-TERM VALUE UNIVERSITY RECORDS RETENTION AND DISPOSITION SCHEDULE

CONTACT INFORMATION

For more information contact the University Records Officer or Archivist, or your University Library for your institution. If you don't know who your University Records Officer or Archivist is, contact the Government Records Branch of DCR at 919-807-7350.

PUBLIC RECORDS AND RETENTION SCHEDULE

1) What is the “University Records Retention and Disposition Schedule”?

This document—also known as the University General Schedule—is a tool for the staff and faculty of the institutions of higher education in the University of North Carolina System (UNC) to use when managing the records in their offices. It lists records commonly found in University offices and gives an assessment of their value by indicating when (and if) those records should be destroyed. The University Archivist is authorized to retain any record that he or she deems to have archival value.

This schedule is also an agreement between the UNC System and the Department of Cultural Resources (DCR). If your University already has records schedules for individual offices on your campus, this University General Schedule does not supersede those schedules without specific authorization by your Chancellor, University Counsel, and your University Records Officer or Archivist. Your institution’s use and application of this University General Schedule and existing individual office records schedules fall under the direction and authority of these officials. This schedule serves as the inventory and schedule that the Department of Cultural Resources is directed by G.S. 121-5 (c) and G.S. 132-8 to provide. It supersedes all previous editions, including the University General Schedule issued in 1991.

2) Why do I need this schedule?

According to G.S. 121-5 and G.S. 132-3, you may only destroy public records with the consent of the Department of Cultural Resources. This schedule, along with individual office schedules, is the primary way DCR gives its consent. Records, regardless of medium, not listed on this schedule or in an individual office records schedule may not be destroyed without the consent of DCR and your University Records Officer or Archivist.

3) What are public records?

The General Statutes of North Carolina, Chapter 132, provides this definition of public records: "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data- processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

4) Are the documents and other records on my computer also “public records”?

Yes. G.S. 132 (above) points out that any record generated in the conduct of the University’s business is a public record, “regardless of physical form or characteristics.”

5) How can I know for sure if I have any “public records”?

Nearly every position in a University or in state government generates, receives, or uses records. Computer files of any kind, including drafts and email, are public records. Even if your records aren’t the official or final version, your records are public records. Not all records have high historical, legal, or fiscal value, but they all must be destroyed in accordance with the provisions of the appropriate records schedule.

6) Do I have to have all of the records listed on this schedule?

No. This is not a list of records you must have in your office.

7) What if I can’t find some of my records on this schedule?

Call your University Records Officer or Archivist. He or she will work with you to create an individual office schedule or amend a current schedule.

8) How do I get a specific records schedule to cover the “record series” for my office or department?

Contact your University Records Officer or Archivist and ask whether a records schedule already exists for your office. If it does, determine the date of the records schedule and ask for an update if necessary. If a schedule has never been done, request an inventory of your records under the guidance of your University Records Officer or Archivist, or request help in using this University General Schedule. He or she will then initiate contact with the Government Records Branch of DCR regarding the completion or update of your records schedule, or provide guidance in using this document.

The inventory of your records will result in a listing of files or documents commonly grouped together, which is formally known as a “record series.” A record series is a group of identical or related records that are used and filed as a unit because they result from the same activity or function or they result from being created, received, or used in the same activity.

Remember that the use of individual office schedules and this University General Schedule should only occur after consulting your University’s administration (see the question above, “What is the University Records Retention and Disposition Schedule’?”) and specifically the University Records Officer or Archivist. This is especially the case if your office intends to destroy records. If you don’t know who your University Records Officer or Archivist is, contact the Government Records Branch of DCR at 919-807-7350.

MAINTAINING PUBLIC RECORDS

9) If we scan and image our records, do we need to keep the paper version?

You may scan any record, including permanent records. Your office should follow the instructions in the North Carolina Guidelines for Managing Public Records Produced by Information Technology Systems to conduct the Self Warranty process. You should consult the University Records Officer or Archivist before destroying any permanent records on paper that have been digitized. He or she will discuss with you the appropriate medium or format for the permanent preservation of the records concerned. Computer systems do not have long life cycles. Each time you change computer systems, you will have to convert all records to the new system so that you can assure their preservation and provide access. In many cases, in view of technological obsolescence, especially of software, only paper or microfilm is suitable for permanent preservation. The essential task is to assure that records with historical value remain accessible indefinitely into the future.

Non-permanent records may be retained in any format. You will have to take precautions with records that you must keep longer than about 10 years for the same reasons addressed above regarding the short life cycle of computer systems. Your office will still be required to conduct the Self-Warranty process described above.

10) Should I print my email out and file it?

As long as the email is not a permanent record, as defined by the schedule, you may elect to keep it in electronic format. Some Universities may have email policies that give specific guidance for when emails should be printed out. Check with your University Records Officer.

11) Why don’t we just keep all of our computer records since computer storage is so cheap?

The best practice is to destroy all records that have met their retention requirements at the same time, regardless of format or medium.

ACCESSING PUBLIC RECORDS

12) Can anyone see my records?

Yes, except as restricted by specific provisions in state or federal law. G.S. 132-6 instructs: “Every custodian of public records shall permit any record in the custodian’s custody to be inspected and

examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.”

13) What about confidential records?

Not all records meeting the statutory definition of a public record under G.S. 132-1 are open to public inspection. Exceptions to the access requirements in G.S. 132-6 and the definition of public records in G.S. 132-1 are found throughout the General Statutes and in federal law (particularly student records, most personnel records, and medical records of students or staff). You must be able to cite a specific provision in the General Statutes or federal law when you restrict or deny access to a particular record.

14) Why don't I just use my personal email account for work since it is more private?

The best practice is to avoid using personal resources, including private email accounts, for public business. G.S. 132-1 states that records “made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions” are public records (emphasis added). The fact that public records reside in a personal email account is irrelevant. Likewise, use of a state-owner computer for personal email does not mean that personal email is not subject to inspection by third parties. Your university may prohibit use of a personal email account for official business.

DESTRUCTION OF PUBLIC RECORDS

15) What is a “legal hold” or “litigation hold” on records and when does it apply?

A legal hold or litigation hold means that records that are the subject of the legal hold or litigation hold **must be preserved and thus must not be destroyed** until officially released from the hold. A legal hold or litigation hold is placed when either an official discovery order is served on the University requesting the production of the records in question (for a litigation, regulatory investigation, audit, open records request, etc.) or litigation is pending and the University is thus on notice to preserve all potentially relevant records. You must also ensure that for a claim or litigation that appears to be reasonably foreseeable or anticipated but not yet initiated, any records (in paper or electronic formats) relevant to such a claim or litigation are preserved and not destroyed until released by your University Counsel. The records in question must not be destroyed until the completion of the action and the resolution of all issues that arise from it regardless of the retention period set forth in this schedule. If you have any questions contact your University Counsel.

16) When can I destroy records?

Each records series listed on this schedule or in a specific office records schedule has specific disposition instructions that will indicate how long that series must be kept in your office. In some cases, the disposition instructions will call for permanent retention in an Archives, a designated, authorized storage space meeting certain conditions, or your office. (See also the question above, “What do I do with permanent records?”)

17) How do I destroy records?

Records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

- a) burned, unless prohibited by local ordinance
- b) shredded, or torn up so as to destroy the record content of the documents or material concerned
- c) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned
- d) buried under such conditions that the record nature of the documents or materials will be terminated
- e) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold as documents or records

- N.C. Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510

- f) for records subject to the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), a method of destruction that complies with federal requirements.

Confidential records should be destroyed in a secure manner so that the information contained in them cannot be viewed, used or recreated. For electronic records, permanent erasure or deletion of records or data requires specialized software, equipment, and/or skills. If this level of destruction is required, it is best to consult with IT professionals. Physical destruction of hard drives, magnetic tapes, CDs, or other electronic storage media is another means of disposal of media containing confidential or sensitive electronic records or data.

Non-confidential records may be recycled or thrown out in accordance with the waste disposal policies and procedures of your University. Documenting record series destruction is advised. Contact your University Records Officer or Archivist for more information.

18) When can I delete my email?

Electronic mail is just as much a record as any traditional paper record, and must be treated in the same ways. It is the content of each message that is important. If a particular message would have been filed as a paper memo, it should still be filed (either in your email program or in your regular directory structure), and it should be retained the same length of time as its paper counterparts. It is inappropriate to destroy email simply because storage limits have been reached.

Three of our publications will be particularly helpful:

- *E-Mail as a Public Record in North Carolina: Guidelines for its Retention and Disposition*
- *E-Mail User Guidelines Checklist*
- *North Carolina Public Records with Short-Term Value: Guidelines for their Retention and Disposition* (located at the end of this section, page VIII).

19) How do we destroy records that are not listed on any schedule?

Contact the University Records Officer or Archivist. He or she will discuss the nature of the records with you to determine if the records have historical value. If the records do have historical value, he or she will discuss the possibility of transferring the records to the Archives or to another designated, authorized permanent storage area.

- If the records are an active records series, the University Records Officer or Archivist will help you develop or amend a schedule so that you can continue to destroy the records appropriately. If the records do not have historical value and are not currently being created, the University Records Officer or Archivist will ask you to complete a "Request and Approval of Unscheduled Records Disposal Form." He or she will forward that form to the DCR Government Records Branch to make a determination about that destruction.

20) Should I keep track of or inform someone about the records being destroyed?

We recommend that you report on your records retention activities to your University Records Officer or Archivist on an annual basis. This report does not need to be detailed, but it is important that significant destructions be reported to University Records Officer or Archivist.

HISTORICAL RECORDS

21) What do I do with permanent records?

Permanent records (records with permanent historical value) should be transferred in accordance with the disposition requirements of this University General Schedule, or the provisions of your individual office records schedule, to your University Archives. If your institution does not have an Archives, contact your University Records Officer or the University Library. If no other space is available, the records must be maintained permanently in the office that created the records, or in a storage space that is controlled for temperature and humidity, free of pests and insects, and secure from unauthorized entry. Your office must ensure that any records stored away from your main

office area are well protected from natural and man-made problems, while remaining readily available to your staff and the public. Public records are public property.

22) What does it mean for records to have historical value?

Records with historical value document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the University, for state government, or for its citizens. Call your University Records Officer or Archivist for further assistance.

23) What should I do with the really old records that I have just found?

Call your University Records Officer or Archivist. He or she will help you examine the records and assess their historical value.

24) Can I give my old records to the historical society or public library?

Before you offer any record to a historical society, public library, or any other entity, you must contact your University Records Officer or Archivist. Permanent records must be kept either in your offices, in your University Archives, or in an authorized space designated for the storage of permanently valuable records.

DISASTER RECOVERY

25) What should I do in case of fire or flood?

Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 807-7365 for the Head of the Local Records Program or (919) 807-7339 for the State Preservation Officer. If you're in the western part of the state, call our Asheville Office at (828) 274-6789. Nights and weekends, call your local emergency management office. Be sure to notify your University Records Officer or Archivist immediately after taking the steps noted above.

DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.

Damaged records are extremely fragile and require careful handling. Our staff is trained in preliminary recovery techniques, and professional vendors can handle your larger disasters.

26) What help do you give in case of an emergency?

We will do everything we can to make a visit to you at the earliest opportunity to provide hands-on assistance. We can assist you in appraising the records that have been damaged so that precious resources (and especially time) are not spent on records with lesser value. We can provide lists of professional recovery vendors that you can contact to preserve your essential and permanent records.

27) What can I do to prepare for an emergency?

We provide training to interested Universities and governments on disaster preparation. We discuss the roles of proper inventories, staff training, and advance contracts with recovery vendors. If you would like to have this workshop presented, just call the analyst assigned to your county.

PUBLIC RECORDS WITH SHORT-TERM VALUE

GUIDELINES FOR THEIR RETENTION AND DISPOSITION

According to North Carolina General Statutes 121 and 132, every document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact, or other documentary material, regardless of physical form or characteristic, made or received in connection with the transaction of public business by any state, county, municipal agency, or other political subdivision of government is considered a public record and may not be disposed of, erased, or destroyed without specific guidance from the Department of Cultural Resources. The Department of Cultural Resources recognizes that many records exist that may have very short-term value to the creating agency. These guidelines, along with any approved program records retention and disposition schedule, are intended to authorize the expeditious disposal of records possessing only brief administrative, fiscal, legal, research, or reference value, in order to enhance the efficient management of public records. Examples of those records include:

- facsimile cover sheets containing only transmittal ("to" and "from") information, or information that does not add significance to the transmitted material
- routing slips or other records that transmit attachments
- reservations and confirmations
- personal messages (including electronic mail) not related to official business
- preliminary or rough drafts containing no significant information that is not also contained in the final drafts of the records
- documents downloaded from the World Wide Web or by file transfer protocol not used in the transaction of business
- records that do not contain information necessary to conduct official business, meet statutory obligations, carry out administrative functions, or meet organizational objectives

The records described above may be destroyed or otherwise disposed of when their reference value ends.

These guidelines are not intended to serve as authorization to destroy or otherwise dispose of unscheduled records. They are intended to complement the use of an approved records retention and disposition schedule for the creating government or agency, not replace or supersede it. Should a creating government or governmental agency lack an approved records retention and disposition schedule, it may not destroy or otherwise dispose of any records in its custody, whether in electronic, paper, or other format (including electronic mail) until it receives approval of its "Request and Approval of Unscheduled Records Disposal" (located at the end of this schedule). Such offices should contact the University Archivist or University Records Officer for assistance in creating a schedule though final approval of any University records retention schedules shall require the consent of the Government Records Branch of the Division of Historical Resources, N.C. Department of Cultural Resources.

While records of short-term value may be discarded as described above, all public employees should be familiar with specific records retention and disposition schedules and applicable guidelines for their office and the public records law (G.S. 132). When in doubt about whether a record has short-term value, or whether it has special significance or importance, retain the record in question.