

Opening -- Respondent

Mr. Edwards said he did not have a record of the destruction date of any of the county's records. The case closed when Mr. Vonberg was sentenced on January 5, 2004. There is no record of when the case file was destroyed. The county does not keep records of when records are destroyed.

Testimony -- Petitioner

Mr. Vonberg said the Attorney General should have something to say about the destruction of criminal case files. There should be a record of when criminal records are destroyed. Mr. Vonberg said the case had been reviewed in a hearing for probation and that should have extended the date of required retention.

Testimony -- Respondent

Mr. Edwards said the county retention schedule gives two different times for the records retention. A felony case file is kept for ten years. A misdemeanor case file is kept for seven years. Mr. Hemphill asked if the county kept a legal case index such as the one mentioned in the retention schedule. Mr. Edwards said he was looking at a program that lists the cases. Information about each case included: the date submitted, case number assigned, attorney or pro se attorney, name of lead officer, and the dates initiated and disposed. Mr. Edwards explained that "disposed" meant how the case was handled not how it was disposed of. GRAMA does not require governmental entities to create records. He said he was not aware of any provision that requires a governmental entity to create a certain type of record. The online docket says in January of 2003 there was a change of plea. Mr. Vonberg was sentenced in January 2004. There is a notice of appeal on January 4, 2004, to amend probation. A court of appeals decision to terminate probation on February 2006 was denied. In April of 2006 there is an entry for treatment as the result of a DUI.

Closing -- Petitioner

Mr. Vonberg said he was puzzled that the county had no retention schedule. He had disputed the guilty plea and thought the case file should be kept longer because of the appeal.

Closing -- Respondent

Mr. Edwards said the case was reviewed for probation before the district court. The county closes a case when the person pleads guilty and is sentenced. He said he does not think GRAMA requires a record of the disposal date. The Committee cannot compel an entity to provide a record they do not have. If the case closed in 2006 it could have been disposed of in 2013. It would have been disposed of in any case by the time Mr. Vonberg requested it.

Deliberation

Ms. Smith-Mansfield said there is nothing in GRAMA that requires a governmental entity to create a record. Pursuant to the Public Records Management Act 63A- 103, governmental entities are required to make and maintain adequate records of essential functions of the government in order to protect legal and financial rights. Governmental

entities log record destruction dates in order to prove they have consistently followed the retention schedule. Ms. Smith-Mansfield made a motion that Iron County had produced the records responsive to Mr. Vonberg's request and there are no other records. Mr. Vonberg's appeal should be denied. Mr. Fleming seconded the motion to deny the request. A vote was unanimous 6-0. Mr. Hemphill thanked the parties and said an order would be sent within seven days.

Approval of Retention Schedules

Ms. Rebekkah Shaw provided comments received from the public on Administrative Correspondence. It was published for public comment with seven year retention. The Attorney General's Office had recommended the retention of seven years. Ms. Shaw did a survey of other states' retention schedules. The times ranged from "until administrative value ends", to two or three years to seven years. Records officers in the state had responded that seven years is too long. Mr. Fleming said email systems cannot be depended upon for over six month's retention. Ms. Smith-Mansfield said the email system is not a record keeping system. It must be transferred to a better system for preservation. Email, metadata, and attachments must be maintained. She said the process of identifying records in email is critical. Non-records are disposed of immediately and transitory email should be deleted as soon as possible. Mr. Fleming said content must be evaluated. It is not a record just because it is an email. Email is used conversationally and the volume of non-record email is high. The manual decision-making process is unrealistic. He said that keeping correspondence for seven years is excessive. Mr. Rowley said email is a convenient way of communicating instead of telephone calls. As a county surveyor he said emails are sometimes printed off to be kept as part of project files. Ms. Smith-Mansfield said email is often retained by a third party. Storage is cloud based but individual users manage their own email. Executive correspondence is permanent. Government owns the content of email accounts.

Mr. Blaine Ferguson was present to testify as a third party. He said he was the Attorney General Office's (AG) full time GRAMA officer. He is also the chair of the AG's GRAMA committee. Susan Eisenman was the former chair of committee. He said legal and administrative needs had to be weighed against the limitations of electronic systems. Electronic limitations should not dictate retention. A file with some legal significance would formerly have been kept as a hard copy. Now there is a combination of paper and electronic records. Nobody is suggesting printing out all emails. For electronic records, seven year retention is based on legal and administrative needs. Three-year retention may be too limited when a law suit is filed. A seven-year period is recommended by the Attorney General's Office recognizing the limitations of the email system to maintain records.

Mr. Rowley said that land boundary and title cases do not expire. They are records of historical value and go back to territorial days. It requires trained employees and clerical staffs to make decisions about which emails are records. Mr. Fleming said the limitations of technology dictate shorter periods of time and the email system is not equipped to be a record keeping system. Ms. Smith-Mansfield said the State Archives offers a system to

help governmental entities maintain their records. Decisions for retention are based on four values: fiscal, administrative, legal, and historical.

Ms. Rebekkah Shaw continued her report on General Retention Schedules.

Administrative Correspondence (item 1-63)
A seven year retention schedule is suggested.

Incident Reports (item 1-1)
Retain for 10 years and then destroy.

Records Access Requests and Appeals (item 1-64)
Retain for 2 years after all appeals are exhausted and then destroy.

A motion to approve the General Retention schedules was asked for by Mr. Hemphill. Mr. Fleming made a statement that he did not want the administrative correspondence retention schedule to be misinterpreted to apply to email in general. He said there was sufficient reason to retain the administrative correspondence records for seven years. He made a motion to approve the general schedules. Mr. Misner seconded the motion. A vote in the affirmative was unanimous.

Ms. Kendra Yates reported on the following State Agency Retention Schedules:
The Department of Public Safety, Utah Highway Patrol Headquarters recommends two separate retention schedules for their records.

28503, Violent felony incident reports

The Department of Public Safety, Utah Highway Patrol Headquarters proposes a ten year retention for felony incidents. The report contains the description of the incident, the nature of injuries or damages, and driver and witness statements. A ten-year retention is sufficient for the Highway Patrol files because felony case files are kept permanently by the courts.

28504, Fatal traffic incident reports

The agency proposes to keep the records for twenty years and then transfer them to the Archives for permanent retention.

Ms. Cornwall made a motion to approve the two retention schedules for Highway Patrol records. Mr. Fleming seconded the motion. A vote to approve the motion was unanimous.

10:15 – 10:35 Break

Kendra Yates reported on the following state agency schedules:

26149, State Historic Preservation Office consultation records per section 106.

The proposal is to retain the records permanently although they have not been in the past. Other states keep these records permanently. These are records used for lands policies, archeological sites, and are historical records. Mr. Fleming made a motion to approve the

retention. Ms. Smith Mansfield seconded the motion. A vote to approve the motion was unanimous.

6011, Utilization Review Committee meeting minutes.

The Department of Human Services, Division of Mental Health, State Hospital is proposing a ten-year retention for records that were formerly kept permanently. This is not a policy-making body. Its purpose is to review patient Medicaid files in order to prevent insurance fraud. Mr. Fleming made a motion to approve the retention schedule. Ms. Cornwall seconded the motion. The vote to approve the motion was unanimous.

Disaster Plan Records (item 16-18)

The proposed retention is to retain the plan until superseded by a new plan and then destroy. Ms. Smith-Mansfield made a motion to approve the retention schedule for Disaster Plan Records. Mr. Fleming seconded the motion. The vote to approve the motion was unanimous.

Administrative Rules

Ms. Smith-Mansfield said the amendments to the Administrative Rules for the Committee were submitted for review to the director of Administrative Services. They will be submitted to Administrative Rules and published in a bulletin for a thirty day period for public review and comment.

Appeals received

Ms. Mumford reported on the appeals received during the month. (See the attached document.) The subject of an appeal for a notary's log came up. Ms. Catherine Taylor, an employee of the Department of Human Services, was present and spoke on the subject. Notary logs are kept by the individual notary and are not government records. She said notary records are governed by Utah Code 46-1-15. Ms. Mumford reported to the Committee that the appeals received included two hearings that were denied after being reviewed by Mr. Hemphill and Mr. Misner.

Cases in District Court

Mr. Tonks presented the cases in District Court. (See the attached document.)

Approval of May 8, 2014, Minutes

Ms. Cornwall made a motion to approve the minutes of May 8, 2014 with the corrections suggested by members and made by the Executive Secretary before the meeting. Mr. Fleming seconded the motion. Mr. Rowley abstained from voting as he was not present for the May meeting. A vote on approving the minutes was five to zero with the abstention of Mr. Rowley. The minutes of May 8, 2014, were approved.

Other Business

Mr. Hemphill said his term would be ending at the first of July. His two-term commitment ends then and he is not eligible to continue to serve. A new media representative has submitted an application. His name is Paul Wetzel. He was employed by The Salt Lake Tribune. If Mr. Rowley is re-elected as Weber County

Recorder/Surveyor, he can serve another four-year term as a member of the Committee. Ms. Richardson was absent. Ms. Mumford would ask about her availability for the July and August SRC meetings. Planned absences of other members would necessitate her presence for a quorum. Mr. Fleming and Mr. Rowley will be absent in July. Ms. Cornwall and Ms. Smith-Mansfield will be absent in August.

Mr. Hemphill called for a motion to adjourn
Ms. Smith-Mansfield made a motion to adjourn.
Adjournment at 11:37 a.m.

STATE RECORDS COMMITTEE MEETING
Thursday June 12, 2014
9:00 a.m.

Utah State Archives Building
346 S. Rio Grande St.
Salt Lake City, UT 84101

AGENDA

HEARING

Hearing: Corey Vonberg vs. Iron County. Mr. Vonberg is appealing the denial of a destruction log that indicates when a case file was destroyed. Both parties will be attending by telephone.

BUSINESS

Approval of May 8, 2014, SRC Minutes, action item

Retention Schedules, action item

Administrative Rules, action item

SRC appeals received

Cases in District Court

Other Business

SRC Appeals Received June 2014

1. **14-28 Rand Henderson vs. Weber State University.** Mr. Henderson is appealing the denial of a list of faculty who were denied tenure, final decisions regarding tenure, and any grievances for denied tenure. POSTPONED
2. **14-33 Rand Henderson vs. University of Utah.** Mr. Henderson is appealing the denial of a list of faculty who were denied tenure, final decisions regarding tenure, and any grievances for denied tenure. POSTPONED
3. **14-34 Rand Henderson vs. Utah Valley University.** Mr. Henderson is appealing the denial of a list of faculty who were denied tenure, final decisions regarding tenure, and any grievances for denied tenure. POSTPONED
4. **14-30 Corey Vonberg vs. Iron County.** Mr. Vonberg is appealing the denial of a record of the destruction of his case file. Hearing June 12, 2014.
5. **14-31 Ray Mullings vs. Division of Child and Family Services (DCFS.)** Appeal withdrawn by petitioner.
6. **14-32 Raymond Payne vs. UDC.** Mr. Payne is requesting a personal copy of a prison policy. Appeal incomplete.
7. **14-35 Corey Vonberg vs. UDC.** Mr. Vonberg is appealing the partial denial of medical records. UDC says response is complete. Hearing denied as no record exists. Mr. Hemphill and Mr. Misner reviewed and approved the denial.
8. **14-36 Al Cogeshell vs. UDC.** Mr. Cogeshell is appealing the denial of photos taken to document a disciplinary case. Hearing denied based on prior case 94-17 Roger Penman vs. UDC. Denial reviewed and approved by Mr. Hemphill and Mr. Misner.
9. **Cathy Johnson vs. Lieutenant Governor's Office.** Ms. Johnson is requesting a copy of a notary's log. The Lieutenant Governor's Office does not maintain the record and has referred Ms. Johnson to the notary pursuant to Utah Code Title 46-1-15.
10. **14-39 Lindsay Whitehurst, Salt Lake Tribune vs. University of Utah.** Ms. Whitehurst is appealing the denial of records detailing the relationship between the University's Moran Eye Center, Voyant Biotherapeutics and Allergan, Inc. Hearing scheduled for July.
11. **Corey Vonberg vs. Iron County.** Mr. Vonberg is appealing the denial of the complete property report/chain of custody of evidence in his case. Received June 5, 2014.
12. **John victor Montour vs. Bureau of Forensic Toxicology.** Mr. Montour is requesting a fee waiver. He was not charged. Appeal resolved.
13. **Matthew Piper vs. University of Utah.** Mr. Piper is appealing the denial of records of bulk drug test results conducted since January 1, 2013 by all University athletic teams. Received June 11, 2014.

June 2014 Records Committee Case Updates

District Court Cases

Firstwest Benefit Solutions LLC v. Orem City, 4th Judicial District, Utah County, Case No. 140400007, Judge McVey, filed January 2, 2014.

Current Disposition: Answer filed on behalf of the Committee for amended petition filed on behalf of Morgan Fife.

Salt Lake City v. Jordan River Restoration Network, 3rd Judicial District, Salt Lake County, Case No. 100910873, Judge Stone, filed June 18, 2010.

Current Disposition: Parties have filed answers to interrogatories and witness disclosures.

Appellate Court Cases

Attorney General Office. v. Schroeder, Utah Supreme Court, Appeal No. 20121057.

Current Disposition: Case has been transferred and certified to the Utah Supreme Court as of January 31, 2014. Appellee (Attorney General Office) appellate brief filed on February 19, 2014, reply brief filed on April 22, 2014. Waiting for hearing date to be scheduled.

Salt Lake City Corp. v. Mark Haik, Court of Appeals Case No. 20130383.

Current Disposition: Oral argument set for June 30, 2014.



Rebekkah Shaw <rshaw@utah.gov>

Public Comment on AG Office proposed 7-year email retention...

Ken Cromar <kencromar@bluemoonprod.com>

To: Rebekkah Shaw <rshaw@utah.gov>

Cc: Rosemary Cundiff <rcundiff@utah.gov>

Thu, Jun 12, 2014 at 8:39 AM

June 12, 2014 - 8:30 a.m.

To the Esteemed Records Committee Members,

Thank you for your thoughtful and generous service to the public as a member of the State Records Committee. Few will ever know or appreciate the time you devote to the cause of promoting "the public's right of easy and reasonable access to unrestricted public records". (63G 2-102-3(a))

As you know, Cedar Hills Citizens for Responsible Government, an ad hoc taxpayers group, has struggled in "easily and reasonably" obtaining city business email records from our City, whose 12-month policy of email destruction made our effort to watch our local government incredibly difficult. We may be visiting your Committee again soon, despite 8-months of behind the scenes effort to avoid that need, by working through the Ombudsman to invite the City into mediation on our current GRAMA request. Fortunately, we finally met with the city under her capable mediation last night.

Since last month's Records Committee Meeting I've spent much time thinking about our plight in Cedar Hills surrounding six major resignations including the City Recorder, and the Mayor who plead guilty and went to prison (on non-city issues), as it relates to the Attorney General Office' 7-year recommendation. These key points jumped out from the AG Office's proposal:

"We recommend that the retention period for the proposed "Administrative Correspondence" be enlarged from three years to seven years. The reason for this is legal need – to make sure that documents necessary to protect Utah's interests in future lawsuits are not destroyed prematurely, and to provide greater protection to the state from liability based upon the doctrine of spoliation. ..."

The AG Office's proposal sounds like a plea for help for them to be able to perform their duty to protect the good people of this State, from those who are not. You are in a position to help them with their responsibility to protect us.

Last month I wrote public comment recommending that preserving the email public record permanently would help serve the purpose of encouraging officials away from the temptations so prevalent to those entrusted with public taxpayer treasure. Those comments were highlighted in better detail on your Records Keepers blog which you might consider reading.

Simply stated, in light of yearly technology jumps that continue to bring down the size and cost, I do not believe that in this modern day, there is any need to destroy the records, and that at some point the Committee will look back and wonder why we ever destroyed records. May I humbly predict that in the near future this Committee will revisit this issue to discuss jumping from the likely-to-be-adopted new AG office seven-year proposal, and see the wisdom of, and vote for, permanent retention.

In the meanwhile, after much thought and consideration I, as a former elected City Councilman of Cedar Hills interested in protecting my fellow taxpayers in Cedar Hills and the State and government officials from themselves, must lend my wholehearted support to the Attorney General Office's 7-year recommendation and invite you to vote in favor of that recommendation.

Thank You,

Ken Cromar -- Researcher
Cedar Hills Citizens for Responsible Government
Former CH Councilman -1994 to 2000

The Salt Lake Tribune

New rule would require state agencies to keep correspondence longer

Records • Letters and emails would have to be retained for seven years instead of three.

BY LISA CARRICABURU

THE SALT LAKE TRIBUNE

PUBLISHED: MAY 25, 2014 01:16PM

UPDATED: MAY 26, 2014 09:58PM

A proposed rule change the State Records Committee is considering would extend from one to seven years the amount of time U government agencies are required to keep a particular type of correspondence.

The change would apply to “administrative” letters and emails, or, according to the proposal, “correspondence ... that document work accomplished, transactions made or actions taken. This correspondence documents the implementation of agency function rather than the creation of functions or policies.”

The Utah State Archives, which sets state record retention schedules, sought the rule working with the records committee.

Members of the public have until June 12 to comment before the records committee decides at a meeting planned that day whether to adopt it.

Comments may be made at the bottom of a blog post about the rule or by sending an email to recordsmanagement@utah.gov, says Rebekkah Shaw of the state archives.

Government correspondence falls into three categories: administrative, executive and transitory, according to Blaine Ferguson, assistant Utah attorney general newly assigned as full-time government records counsel to the state.

Executive correspondence, “provides unique information relating to the functions, policies, procedures or programs of an agency. These records document executive decisions made regarding agency interests.”

Such correspondence must be permanently saved under a rule the records committee already approved.

Transitory correspondence relates to matters of short-term interest between individuals and results in “no final contractual, financial or policy information,” according to the rules. “This correspondence does not impact agency functions.”

Transitory correspondence needn’t be saved after the administrative need for it ends, Ferguson said.

Administrative correspondence to which the rule under consideration would apply covers essentially everything else.

All types of government correspondence are considered public records that may be released upon request under Utah’s Government Records Access and Management Act if a request complies with the act’s provisions.

The records committee earlier this spring considered extending the retention period for administrative records to three years, but after a 30-day comment period on that change, recommended at its May 8 meeting that the retention period be extended to seven years after hearing input from Ferguson’s office and others.

A seven-year retention period would be longer than most statutes of limitation for filing lawsuits, Ferguson said. It would eliminate the possibility that a legal need for documents may arise after the documents had already been destroyed.

At the May 8 meeting, the committee agreed to accept public comments on the change for 30 days.

Comments will be compiled and reported to the committee before it votes on the change at its June 12 meeting, Shaw said.

lisac@sltrib.com

Twitter: @lcarricaburu

—

To comment on the rule change

2 Comments

The Salt Lake Tribune

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1stedition • 11 hours ago



Excellent proposal. I hope the State Records Committee follows through on this. Otherwise, it's too easy for agencies to destroy important (or incriminating) records.



UtahDave • 11 hours ago

This is an appropriate proposal. It should apply, if it does not, to the legislative branch where the business of government too often is the business of personal profit and conflict of interest.

ALSO ON THE SALT LAKE TRIBUNE

WHAT'S THIS?

Beer helps boost Utah economy

49 comments • 4 hours ago



BrianMora — Valentine is a dick

Will Utah's baby boom ever return?

17 comments • 4 hours ago



SierraPrater — And there is a church based in this state that could do a lot of good towards diminishing those world ...

Top military officer: Soldier could still face charges

1 comment • 12 hours ago



PriorityNumber — Sounds to me like the military failed this soldier resulting in an action on his part to remedy the deep ...

Pitts: Planet melts while GOP dithers

14 comments • 4 hours ago



RushtonRite44 — Once again Mr. Pitts is expousing his self-riotous do-do. If he would listen to the real scientists he ...

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The following is a compiled list of non-permanent correspondence retention schedules developed and used by other states. The purpose of this list is to serve as a reference tool when considering the proposed Administrative Correspondence general retention schedule.

State	Schedule name with link	Retention
Alabama	Reference Correspondence	3 years after the end of the fiscal year in which the records were created.
	General Correspondence & Central Files	3 years
	Correspondence	After administrative value has been served
	Correspondence - Substantive	4 years
	General Correspondence	3 years. GC 625(c), IPA 1798.3
	Internal Administrative Correspondence	2 years (7-15, Secretary of State)
	Correspondence - Routine	2 years from date of correspondence
	Administrative files	2 years
	Administrative Support Records	Retain until successful audited
	Administrative Support Records	3 fiscal years
Arkansas	Correspondence and Memoranda: Administrative	3 fiscal years
	Correspondence and Memoranda: Program and Policy Development	5 fiscal years
	Correspondence, Fiscal	5 years
California	Correspondence, General	5 years
	General (Routine) Correspondence	1 year after date
Colorado	Internal Administration Correspondence	2 years after date
	Housekeeping Correspondence	Non-permanent. Destroy when not administratively useful
Connecticut	Internal Administrative Correspondence	After resolved +3 years
	General Files	After resolved +2 years
Delaware	Correspondence - Policy Related	3 calendar years
	Correspondence - Routine	5 years
Florida	Routine Correspondence/messages	Retain until no longer useful
	Correspondence	Retain no longer than 2 years
Georgia	Correspondence (schedule A11)	3 years
	Administrative Convenience Correspondence	Until administrative use ceases
Hawaii	General Administrative Correspondence	3 years
	Policy Development Correspondence	5 years
Idaho	General Correspondence	2 years after creation
	Correspondence/Administrative	3 years (unless otherwise specifically addressed elsewhere in records retention schedule)
Indiana	General Correspondence	3 years
	Correspondence	3 years
Kansas	Correspondence	3 years
	Correspondence	3 years
Kentucky	Correspondence	3 years
	Correspondence	3 years
Maine	Correspondence	3 years
	Correspondence	3 years
Massachusetts	Correspondence	3 years
	Correspondence	3 years
Michigan	Correspondence	3 years
	Correspondence	3 years
Minnesota	Correspondence	3 years
	Correspondence	3 years
Missouri	Correspondence	3 years
	Correspondence	3 years
Montana	Correspondence	3 years
	Correspondence	3 years

Permanent: Program and Policy		
New Mexico	General Correspondence Files (Non-Executive Levels)	3 years
New York	Administrative Policies and Procedures Background & Development Files	1 year after close of fiscal year in which created
North Carolina	Several correspondence related schedules	Destroy 1 year after a policy or procedure is issued
North Dakota	State Agency Correspondence	3 years
	General Correspondence	2 years
	Electronic Communication Records	1 year
Ohio	Correspondence, General	Retention: Determine the record status of the message based on the content. If the message is a record that documents official business of the department, the record must be retained for the appropriate retention period defined on either the ND General Records Retention Schedule or your department's records retention schedules. Dispose of records with transitory value after action is taken. Disposition: Delete all information and backups.
Oklahoma	Financial Correspondence	6 months, destroy
	Office Personnel Mgmt Correspondence	1 year after all audits completed or 2 years after exhaustion of all legal remedies
Oregon	Correspondence Records	Retain substantive records for 5 years
Pennsylvania	Administrative correspondence and subject files (General Office)	File with associated program or admin records. Or retain as needed
Rhode Island	General Correspondence and Memoranda (GRSS-1)	3 years
South Carolina	General correspondence (non-executive levels)	1 year
South Dakota	Correspondence, General	Until no longer needed for reference
Texas	Correspondence Internal Memoranda, and Subject Files	2 years
	Administrative	4 years
	General	2 years
Virginia	Routine	As long as administratively valuable
	Correspondence/Subject Files: Board Members - except chairpersons	3 years after end of calendar year
	Correspondence/Subject Files: Department or Division Heads - other Corresp.	3 years after end of calendar year
	Correspondence/Subject Files: Other Officials - Other Correspondence	2 years after end of calendar year
	Correspondence/Subject Files: Routine, Administrative - Not Specified elsewhere	Until no longer administratively useful (pg 4 & 5 of Admin Records)
Washington	Correspondence - General	Retain for 30 days after date of document then destroy
	Correspondence - Program	2 years after communicated received or provided, whichever is later
West Virginia	Correspondence (I can only find county)	2 years, then purge file, destroying obsolete correspondence
Wisconsin	Correspondence, General	3 years after creation date (or receipt date)
Wyoming	Correspondence, General	3 years, then evaluate for historical value
	Correspondence and Memoranda (Special Districts)	7 years in office, evaluate and transfer records determined of enduring legal, administrative or historical value to WY Archives

SCHEDULE 1
ADMINISTRATIVE RECORDS

SCHEDULE
ADMINISTRATIVE RECORDS

ADMINISTRATIVE CORRESPONDENCE (Item 1-63)

Incoming and outgoing business-related correspondence, regardless of format or mode of transmission, created in the course of administering agency functions and programs. Administrative correspondence documents work accomplished, transactions made, or actions taken. This correspondence documents the implementation of agency functions rather than the creation of functions or policies. Business-related correspondence that is related to a core function with an associated retention schedule should follow the associated schedule.

RETENTION

Retain for 7 years and then destroy.

SUGGESTED PRIMARY CLASSIFICATION

Public.

INCIDENT REPORTS (Item 1-1)

These reports are prepared by officers engaged in public patrol or response duties and describe initial actions taken. These records may include a description of the incident, the identifying information of parties involved, the general scope of actions taken by public safety personnel, and the nature of any injuries and damages sustained (Utah Code 63G-2-103(14)(2014)). These records may also include dash-cam recordings, copies of citations issued, warrants issued, DUIs issued, and driver and witness statements. Fatal crashes and violent felony records including homicide and sexual assault are not included in this schedule.

RETENTION

Retain for 10 years and then destroy.

SUGGESTED PRIMARY CLASSIFICATION

Public: Utah Code 63G-2-301(3)(g) 2013.

SUGGESTED SECONDARY CLASSIFICATION

Protected: Utah Code 63G-2-305(10) 2013

Private: Utah Code 63G-2-302(2)(d) 2013

SCHEDULE
ADMINISTRATIVE RECORDS

RECORDS ACCESS REQUESTS AND APPEALS (Item 1-64)

These records are access requests as provided under the Government Records Access and Management Act (GRAMA) (Utah Code 63G-2-204(2011)). Included with the access requests are any notices of denial, appeals or any other records related to the request. This schedule excludes record access requests appealed to a local appeals board.

RETENTION

Retain for 2 years if all appeals are exhausted and then destroy.

SUGGESTED PRIMARY CLASSIFICATION

Public.

SCHEDULE 16
SECURITY SERVICES RECORDS

SCHEDULE
SECURITY SERVICES RECORDS

DISASTER PLAN RECORDS

(Item 16-18)

Disaster plans for records and office operations ensure that essential government functions continue to be performed following natural disasters, accidents, technical, or attack related emergencies. Information includes plans for restoring operations and protecting facilities and resources. Disaster recovery training materials may be included.

RETENTION

Retain until superseded by a new plan and then destroy.

SUGGESTED PRIMARY CLASSIFICATION

Public.

SUGGESTED SECONDARY CLASSIFICATION

Private: 63G-2-302(1)(g)(2014)

Protected: 63G-2-305(11)(2014)

STATE AGENCIES

AGENCY: Department of Public Safety. Utah Highway Patrol. Headquarters

SERIES: 28504

TITLE: Fatal traffic incident reports

DATES: 1981-

ARRANGEMENT: Chronological

DESCRIPTION:

These reports are prepared by officers engaged in public patrol or response duties and describe initial actions taken in response to fatal crashes. These records may include a description of the incident, the identifying information of parties involved, the general scope of actions taken by public safety personnel, and the nature of any injuries and damages sustained (Utah Code 63G-2-103(14)(2014)). These records may also include dash-cam recordings, copies of citations issued, warrants issued, DUIs issued, and driver and witness statements.

RETENTION:

Retain 20 years

DISPOSITION:

Transfer to the State Archives with authority to weed.

STATE RECORDS COMMITTEE STATUS:

This retention has not been approved by the State Records Committee.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 5 years and then transfer to State Records Center. Retain in State Records Center for 15 years and then transfer to State Archives with authority to weed.

APPRAISAL:

Administrative Historical

These records are occasionally requested by children of accident victims decades after the incident occurs.

Utah State Archives

Page: 2

AGENCY: Department of Public Safety. Utah Highway Patrol. Headquarters

SERIES: 28504

TITLE: Fatal traffic incident reports

(continued)

PRIMARY CLASSIFICATION:

Public Utah Code 63G-2-201(2) 2013

SECONDARY CLASSIFICATION(S):

Private. Utah Code 63G-2-302(2)(d) 2014
Protected. Utah Code 41-6a-404 2010

AGENCY: Department of Heritage and Arts. Division of State History

SERIES: 26149

TITLE: State Historic Preservation Office consultation records per Section 106

DATES: 1993-

ARRANGEMENT: Chronological by year, thereunder numerical by case number.

ANNUAL ACCUMULATION: 4.00 cubic feet.

DESCRIPTION:

The State Historic Preservation Office (SHPO) provides guidance in the protection of cultural resources as directed by federal and state law. These records consist of requests from federal and state agencies for consultations regarding archaeological and historic resources such as archaeological sites, historic buildings, rock art, canals, and other historic sites. Information includes correspondence, legal agreements, and supporting documentation regarding determinations of eligibility for the National Register of Historic Places. These documents are used to track decision-making processes, uphold agreements, supplement site information, support agency compliance, and may indicate factors considered in the formulation of land use policies in the state.

RETENTION:

Retain Permanently.

DISPOSITION:

Transfer to the State Archives with authority to weed.

STATE RECORDS COMMITTEE STATUS:

This retention has not been approved by the State Records Committee.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 10 years and then transfer to State Records Center. Retain in State Records Center for 15 years and then transfer to State Archives with authority to weed.

AGENCY: Department of Heritage and Arts. Division of State History

SERIES: 26149

TITLE: State Historic Preservation Office consultation records per Section 106

(continued)

APPRAISAL:

Administrative Historical

These records indicate factors that may have impacted decisions regarding land use in the state.

This series is regulated under Federal Rule 36 CFR 800 (Section 106) and Utah Code Title 9 Chapter 8 Section 404.

AGENCY: Department of Public Safety. Utah Highway Patrol. Headquarters

SERIES: 28503

TITLE: Violent felony incident reports

DATES: 1981-

ARRANGEMENT: Chronological

DESCRIPTION:

These reports are prepared by officers engaged in public patrol or response duties and describe initial actions taken in response to an incident which becomes part of a larger crime, specifically homicide or sexual assault. These records may include a description of the incident, the identifying information of parties involved, the general scope of actions taken by public safety personnel, and the nature of any injuries and damages sustained (Utah Code 63G-2-103(14)(2014)). These records may also include dash-cam recordings, copies of citations issued, warrants issued, DUIs issued, and driver and witness statements.

RETENTION:

Retain 65 years

DISPOSITION:

Destroy.

STATE RECORDS COMMITTEE STATUS:

This retention has not been approved by the State Records Committee.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 10 years and then transfer to State Records Center. Retain in State Records Center for 55 years and then destroy.

APPRAISAL:

Administrative

These records need to be kept for the length of the criminal sentence.

AGENCY: Department of Public Safety. Utah Highway Patrol. Headquarters

SERIES: 28503

TITLE: Violent felony incident reports

(continued)

PRIMARY CLASSIFICATION:

Public Utah Code 63G-2-201(2) 2013

SECONDARY CLASSIFICATION(S):

Private. Utah Code 63G-2-302(2)(d) 2014

Protected. Utah Code 41-6a-404 2010

Utah State Archives

Page: 1

AGENCY: Department of Human Services. Division of Mental Health. State Hospital

SERIES: 6011

TITLE: Utilization Review Committee meeting minutes

DATES: 1920-

ARRANGEMENT: Chronological

DESCRIPTION:

These records document meetings of the committee that screens, reviews, and conducts patient record audits to ascertain the medical necessity of patient admissions and need for care, to evaluate the medication and psychiatric treatment and discharge plans, and to assess the adequacy of care provided to patients. The committee implements a utilization review plan, which is intended to ensure compliance with anti-fraud codes and is based on the Centers for Medicare and Medicaid Services Joint Commission standards. These records include dates of committee meetings, names of individuals present, cases reviewed, topics discussed, and any decisions made.

RETENTION:

Retain 10 years

DISPOSITION:

Destroy.

STATE RECORDS COMMITTEE STATUS:

This retention has not been approved by the State Records Committee.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 10 years and then destroy.

APPRAISAL:

Administrative

Retention is based on need to adhere to Leadership Standard LD.04.01.01 and implement a utilization plan consistent with Federal Code 42 CFR 482.30 and anti-fraud Federal Code 42 CFR 1035 (h).

05/28/14 16:29

AGENCY: Department of Human Services. Division of Mental Health. State Hospital

SERIES: 6011

TITLE: Utilization Review Committee meeting minutes

(continued)

PRIMARY CLASSIFICATION:

Controlled Utah Code 63G-2-304 2008

SECONDARY CLASSIFICATION(S):

Private. Utah Code 63G-2-302(1)(b) 2014

PERSONAL DATA ELEMENT

Age/Birthdate, Address, Employment History, Medical/Dental Information, Name/Signature, Psychiatric Information, Sex/Gender, Social Security Number