

61.99.01 Retention of State Records

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Regulation Statement

The Texas A&M University System will maintain an active and continuing state records management program in compliance with federal and state law.

Reason for Regulation

The system recognizes the need for all system members to manage and retain state records according to The Texas A&M University System Records Retention Schedule (Schedule) and applicable law.

Procedures and Responsibilities

1. SYSTEM RECORDS MANAGEMENT PROGRAM

- 1.1 The system is committed to maintain an active and continuing state records management program in compliance with federal and state law. **This regulation applies only to state records, which does not include convenience copies, library or museum materials, and certain stocks of publications or forms.**
- 1.2 The system records management officer (RMO) is the person appointed by the chancellor to be the system's representative in all issues of records management policy, responsibility, and statutory compliance pursuant to Texas Government Code Section 441.184. *See* 13 Tex. Admin. Code § 6.1(11). The RMO will coordinate the system's records management program as required by law and will ensure that system members have current information on records management laws and procedures, including providing or making available necessary employee training.
- 1.3 The RMO shall submit the Schedule, including any amendments, for certification to the Texas State Library and Archives Commission (Commission). The Schedule, including any amendments, will be available to system members on the System Offices website.

The RMO will promptly notify system members when changes to the Schedule are certified.

1.4 System Member Records Officers

1.4.1 Each system member chief executive officer (CEO) shall designate an individual as records officer to manage the retention and disposition of state records for that member, and shall notify the RMO of such designation. Each records officer will ensure that the Schedule lists all records series maintained by that system member.

1.4.2 The records officer for each system member, in consultation with the RMO, shall develop procedures for the retention, disposition and security of state records at that institution, including the identification of state records that are eligible for destruction or other disposition. The procedures should give special attention to vital state records, archival state records, electronic state records, and litigation holds. Each records officer will coordinate with the RMO to develop and provide employee training on that system member's record retention procedures.

1.4.3 Each system member's records retention procedures must require that state records may not be destroyed or otherwise disposed of unless approved in writing by the records officer or designee using that system member's records destruction form. However, a system member's procedures need not require that the destruction of transitory information be approved by the records officer or designee. The records officer for each system member will coordinate with the RMO to develop a records destruction form for that institution.

1.4.4 Each system member will periodically survey the state records at that institution and will provide the RMO with any proposed changes to the Schedule based on the survey. The record copy of state records or electronic state records should be readily accessible.

2. RECORDS RETENTION SCHEDULE

2.1 The retention periods on the Schedule apply ONLY to the record copy of state records as defined in this regulation. State records maintained in electronic format or microfilm must comply with the Commission's administrative rules (see below link). *See* Tex. Gov't Code §§ 441.188, 441.189.

2.2 State records listed on the Schedule cannot be destroyed until the designated retention period has expired and the system member records officer or designee has approved the destruction pursuant to this regulation and member procedures. Subject to Section 2.3 of this regulation, transitory information may be destroyed when the purpose of the record has been fulfilled and the records officer or designee is not required to approve such destruction. State records not listed on the Schedule cannot be destroyed until the records officer or RMO obtains written approval from the Commission. Final disposition of state records must ensure that records scheduled for destruction are

disposed of in a manner that ensures protection for any sensitive or confidential information. *See* Tex. Gov't Code § 441.187; 13 Tex. Admin. Code § 6.8.

- 2.3 A state record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. *See* Tex. Gov't Code § 441.187(b). The records officer for each system member will coordinate with that institution's designated public information officer, the RMO, and, as necessary, the System Office of General Counsel, to ensure compliance with this section.
- 2.4 A system member's recommended changes to the Schedule must be submitted in writing through the records officer to the RMO.

3. AUDIT REQUIREMENTS

- 3.1 The CEO and the records officer of each system member shall identify which of their state records are subject to audit by internal, state and federal auditors and shall ensure that the member is in compliance with the audit requirements. In the event of an audit, the system member will provide the requested state records or copies of the state records to the auditing agency.
- 3.2 Any state records subject to internal, state, or federal audit must be retained until the expiration of the audit period or the period specified in the Schedule, whichever is later. The Schedule identifies some of these state records. It is the responsibility of each system member records officer to identify any additional state records that are subject to internal, state, or federal audit and ensure they are retained accordingly.

4. STATE RECORDS OF HISTORICAL SIGNIFICANCE

System member CEOs are responsible for identifying their state records, in addition to those designated on the Schedule, that are of such historical significance that they should be designated and preserved as archival state records. Resulting recommendations for any changes to the Schedule should be submitted in accordance with Section 2.4.

Related Statutes, Policies, or Requirements

Texas Government Code Chapter 441,

<http://tlo2.tlc.state.tx.us/statutes/docs/GV/content/pdf/gv.004.00.000441.00.pdf>

13 Texas Administrative Code Part 1, Chapter 6,

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=13&pt=1&ch=6](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=13&pt=1&ch=6)

Regulation 61.01.02, *Public Information*

<http://tamus.edu/offices/policy/policies/pdf/61-01-02.pdf>

A&M System Records Retention Schedule

<http://www.tamus.edu/offices/admin/records/retention-schedule.html>

Records Destruction Form and Instructions

<http://www.tamus.edu/offices/admin/SO%20Records%20Destruction%20Form.pdf>

Definitions

"Archival state record" means a state record of enduring historical value that will be preserved on a continuing basis. *See* Tex. Gov't Code § 441.180(2).

"Convenience copies" are the other copies of a record that are held by other offices in the system or the system member. These copies should not be retained after the destruction of the record copy.

"Electronic state records" are state records as defined in this regulation that are maintained in electronic format, including electronic mail and the product of computer processing. *See* Tex. Gov't Code § 441.189; 13 Tex. Admin. Code § 6.91(5).

"Records series" are groups of identical or related state records that are normally used and/or filed together, and are evaluated as a group for retention scheduling purposes. Such groups of state records are in the same records series, regardless of the span of years covered. *See* 13 Tex. Admin. Code § 6.1(13).

"Record copy" is the official copy of a state record that must be maintained for the retention period designated on the Schedule and destroyed at the end of the specified amount of time, along with all convenience copies, including electronic records.

"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and destruction of state records for the purposes of improving the efficiency of recordkeeping, ensuring access to public information under the Public Information Act, and reducing costs. *See* Tex. Gov't Code § 441.180(7).

"State records" are any written, photographic, machine-readable, or other recorded information created or received by or on behalf of a system member that documents the member's activities in the conduct of state business or use of public resources. *See* Tex. Gov't Code § 441.180(11).

"Transitory information" means records of temporary usefulness that are not an integral part of a records series of a system member, that are not regularly filed within a system member's recordkeeping system, and that are required only for a limited period of time for the completion of an action by an official or employee of a system member or in the preparation of an on-going

records series. Transitory records are not essential to the fulfillment of statutory obligations or to the documentation of system member functions. *See* 13 Tex. Admin. Code § 6.91(8).

"Vital state record" means any state record necessary to the resumption or continuation of system operations in an emergency or disaster; the re-creation of the legal and financial status of the system; or the protection and fulfillment of obligations to the people of the state. *See* Tex. Gov't Code § 441.180(13).

Contact Office

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