

Records Retention and Disposition Schedule

**Functional Schedule for North Carolina
State Agencies**



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Functional Schedules

In 2015, the Records Analysis Unit of the Government Records Section at the State Archives of North Carolina (SANC) began a project to revamp the retention and disposition schedules for state agencies in North Carolina. Using the technique of functional analysis, whereby the functions of an institution are defined and the records that document these functions are linked, SANC identified 16 functions of North Carolina state government, listed the associated record types, and developed disposition instructions:

- Agency Management
- Asset Management
- Economic Development
- Education
- Financial Management
- Governance
- Healthcare
- Human Resources
- Information Technology
- Infrastructure Management
- Law Enforcement
- Legal
- Monitoring and Compliance
- Public Assistance and Support Services
- Public Relations
- Risk Management

The overarching goals of the project were to simplify records retention, make the assignment of records dispositions more transparent, and ensure the retention of records with permanent value, either within the creating agency or at the State Archives, which is housed within the Department of Natural and Cultural Resources (DNCR). These functional schedules standardize disposition instructions across State government and focus on the function of government that necessitates the creation of a record rather than on the particular agency that creates or



maintains the record. Therefore, users do not need to find relevant record types based on agency hierarchy but instead can identify record types relevant to the particular function of government they perform. In addition, if the responsibilities of an agency change over time, the appropriate retention and disposition instructions for the records they generate will already be identified within one of the 16 functional schedules developed by SANC, increasing both efficiency and consistency in records management. Realizing that an increasing share of state agency records are being created and maintained electronically, SANC also attempted to group records with similar functions in “big buckets” to facilitate the appropriate disposition of these records that are housed in document management systems.

The Records Analysis Unit will conduct annual records reviews with State agencies and document any changes in agency responsibilities. G.S. § 121-5(b) and G.S. § 132-3(a) grant the Department of Natural and Cultural Resources the authority to regulate the destruction of public records, and the disposition instructions reflect best practice in records management. In the absence of specific state or federal retention requirements, SANC surveyed other records management experts for guidance on the retention of records. The retention periods established in these functional schedules should be interpreted as minimums. If an agency chooses to retain records longer than required in the disposition instructions, this practice should be documented in internal agency procedures. In all cases, agencies shall maintain logs documenting destructions. The presence of a records series on one of these schedules does not obligate an agency to create that record; however, if a record is **not** represented on any of these schedules, an agency may not destroy it without explicit authorization from DNCR.

Public Records and Requests

According to G.S. § 132-1(a):

"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.

G.S. § 132-1(b) goes on to specify:

The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law.

And G.S. § 132-6(a) further elaborates on the openness of public records:

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. As used herein, "custodian" does not mean an agency that holds the public records of other agencies solely for purposes of storage or safekeeping or solely to provide data processing.


The implication of this last sentence is that if an agency contracts with the Department of Information Technology or any outside vendor for file storage, it is still the responsibility of the records-creating agency to be able to produce required documents necessary to answer a public records request (or an audit or discovery for litigation). For this reason, be sure that all electronic records contracts include language that addresses the procedures for exporting records should a contractor go out of business or should the agency decide to transfer the contract to another vendor.

Similarly, if an agency contracts with outside providers for any services, those providers must be made aware of their legal obligations for maintaining public records in accordance with these functional schedules. In addition, any confidentiality requirements established for particular records apply to contractors and providers in the same manner they apply to State agencies themselves.

Confidentiality

As indicated above, North Carolina has a fairly broad definition of public records. However, not all of these public records are open to public inspection. G.S. § 132-1.1 through G.S. § 132-1.23 list numerous records that are exempt from disclosure, and there are additional places in the General Statutes of North Carolina as well as in the federal code that confer confidentiality on records. Be aware, according to G.S. § 132-6(c):

No request to inspect, examine, or obtain copies of public records shall be denied on the grounds that confidential information is commingled with the requested nonconfidential information. If it is necessary to separate confidential from nonconfidential information in order to permit the inspection, examination, or copying of the public records, the public agency shall bear the cost of such separation.

Any records that are considered confidential are identified with a  in the RC No. column and a specific citation in the rightmost column. No claim of confidentiality can be made without specific regard to a state or federal authority. However, be aware that the presence of such a citation does not necessarily indicate that all records within that series are entirely confidential. If there are questions, verify with agency legal counsel or public information officer.



Destructions

General Statute § 121-5 authorizes DNCR to regulate the destruction of public records, codified in the North Carolina Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510:

- (a) When used in an approved records retention and disposition schedule, the provision that paper records are to be destroyed means that the records shall be:
 - (1) burned, unless prohibited by local ordinance;
 - (2) shredded or torn so as to destroy the record content of the documents or materials concerned;
 - (3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the document or materials concerned; or
 - (4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.
- (b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.
- (c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

For all records with a specified retention period, State agencies shall maintain a destructions log as part of the Records Management File. A sample is available on the records management tools page at <https://archives.ncdcr.gov/government/rm-tools>.

Public records, including electronic records, not listed on the Functional Schedule are not authorized to be destroyed.

Audits and Litigation Actions

Records subject to audit or those legally required for ongoing proceedings must be retained until released from such audits or official proceedings.



Electronic Records

State agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.

State agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place internal procedures for quality assurance and documentation of authorization for records destructions. Forms and templates to guide these processes can be found on the records management tools page at <https://archives.ncdcr.gov/government/rm-tools>, and best practices for file naming, file formats, and maintaining trustworthy digital public records can be found at <https://archives.ncdcr.gov/government/digital-records/digital-preservation-and-access>. This electronic records policy must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Record Copy

A record copy is defined as "The single copy of a document, often the original, that is designated as the official copy for reference and preservation."¹ The record copy is the one whose retention and disposition is mandated by these functional schedules; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to designate clearly what position or office is required to maintain an official record for the duration of its designated retention period. To facilitate this

¹ Society of American Archivists, *Dictionary of Archives Terminology*.



process, SANC has provided a sample file plan for agency use (available on the records management tools page at <https://archives.ncdcr.gov/government/rm-tools>). In identified cases where records overlap between state agencies, SANC specified on the schedules which agency is considered the record owner.

Record Custody

The agency that creates or receives a record is the legal custodian of that record and responsibility for fulfilling any retention requirements and public records requests. If an agency transfers records to the State Records Center for temporary storage prior to destruction, those records remain in the legal custody of the originating agency. Any records requests must be authorized by the originating agency, and ultimate destruction must also be authorized by that agency. If an agency transfers archival records to the State Records Center, once those records have been accessioned by the State Archives, their legal custody transfers to the State Archives. From that point forward, all records requests should be channeled through the State Archives. In a few instances, records transfer to the State Records Center to be held in security storage (indicated by a © on the Functional Schedule); in these cases, the records remain in the legal custody of the originating agency.

Reference Value

The disposition instruction to destroy in office when reference value ends is usually applied to records that were not created by the recipient. Reference files include materials that have no regulatory authority for the recipient and are received from outside the agency or from other units within the agency; subject files containing informational copies of records organized by areas of interest; and reference copies of records where another individual or agency is responsible for maintaining the record copy. The agency is given the discretion to determine how long these records should be retained before destruction, and this decision should be documented in a file plan or other policy so that all members of the agency can be consistent in their handling of these records.

Transitory Records

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called “transitory records.” They may be disposed of according to the guidance below. However, all public employees should be familiar with the Functional Schedules for North Carolina State Agencies and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from the analyst assigned to your agency.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed.

Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of General Statute § 132, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they should be retained according to the disposition instructions for the records series encompassing the forms’ function.

Historical Value

The term historical value is used interchangeably with archival value. The Society of American Archivists *Dictionary of Archives Terminology* defines it as “the importance or usefulness of records that justifies their continued preservation because of the enduring administrative, legal, fiscal, or evidential information they contain.”² Two criteria for determining historical value are inherent interest and extraordinary documentation:

- Inherent interest is created by non-routine events, by the involvement of famous parties, and by compelling contexts. For instance, foreclosure proceedings from the 1930s have high historical value because they date from the era of the Great Depression.
- Extraordinary documentation is found in records that shed light on political, public, or social history. For instance, the records from the replevin case that returned the Bill of Rights to North Carolina hold more historical value than most property case files because of the political history intertwined with this case.

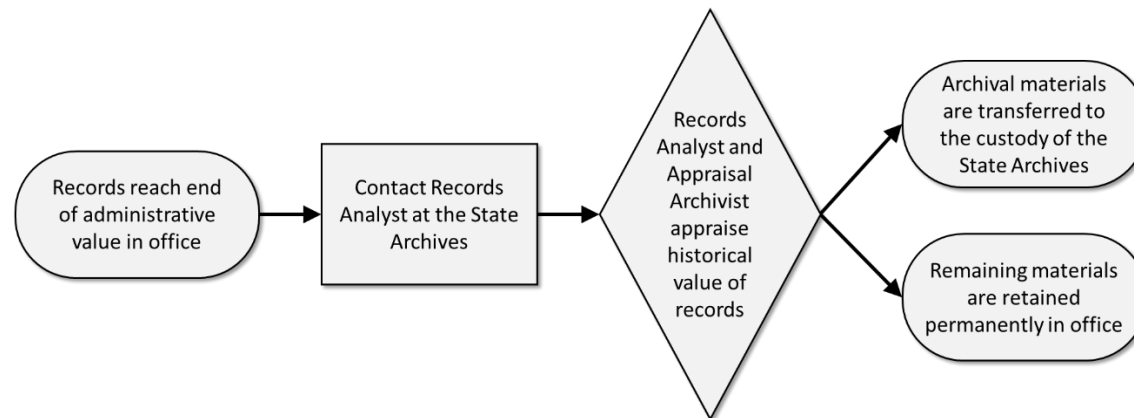
² Ibid.

SANC has further elaborated selection criteria that help distinguish records with archival value:

- Do they protect the rights and property of constituents and organizations?
- Do they have a long-term impact on constituents and organizations?
- Do they document the core functions of an agency?
- Do they document high-level decision-making that shapes an agency’s policies or initiatives?
- Do they summarize an agency’s activities?

Records with historical value are identified with one of three designations in the Disposition Instructions:

- PERMANENT: These records will be retained in office permanently.
- PERMANENT (appraisal required): When these records no longer have administrative value in office, the agency will contact the Government Records Section so the records can be appraised by a records analyst and an appraisal archivist. These individuals will determine whether the records should be retained in office permanently or transferred to the custody of the State Archives of North Carolina.



- PERMANENT (archival): These records will transfer to the State Records Center so they can be transferred to the custody of the State Archives of North Carolina.

As with any situation in which a state agency has questions about the records it produces and maintains, the records analyst assigned to the agency is available for consultation on decisions about historical value.

Schedules Format

These functional schedules apply to records in all media, unless otherwise specified. If your agency has records that are designated to transfer to the State Archives, please contact your records analyst to discuss the format in which these records will transfer.



– symbol designating that records in this series may be confidential or may include confidential information

RC No. – a unique identifying number assigned to each record type for ease of reference

Function No.	Sub-function No.	Record Type No.	Retention Abbreviation
15	4	5	A

The example above indicates the numbering scheme for Speeches (1545.A):

- Public Relations is the 15th function
- Marketing and Publicity is the 4th sub-function under Public Relations
- Speeches are the 5th record type under Marketing and Publicity
- Retention abbreviations provide a quick method of identifying the retention requirement for a particular record:

A	transfer to the State Archives
P	retain in office permanently or contact the State Archives for appraisal
R	destroy in office when reference value ends <i>(NOTE: Agencies shall establish internal policies to ensure consistency in retention and destructions.)</i>
S	destroy in office when superseded or obsolete
T	transfer completed record to another record series
<	retention period shorter than 1 year
	any numerical designation indicates the number of years the record should be retained. A number followed by a + indicates a retention period that extends less than 12 months beyond the specified number of years



Record Types – groupings of records that are “created, received, or used in the same activity.”³

Description – a description of the records, often including the types of records that can be frequently found in that series.

Disposition Instructions – instructions dictating the length of time a series must be retained, and how the office should dispose of those records after that time (either by destruction or transfer to the State Archives). For any records that will transfer to the State Records Center, either for temporary storage or for transfer to the State Archives, consult the Appendix for the item number that is necessary to track these records. **NOTE:** No destruction of records may take place if litigation or audits are pending or reasonably anticipated.

This border on the right and left of the Description and Disposition Instruction cells indicates a record that belongs to a particular agency, as identified in the Description. If other agencies possess copies of this record, they are reference copies that can be discarded when their reference value ends.

The Disposition Instructions include a number of triggers that begin the retention period:

- *Adoption of plan:* With a record such as a strategic plan, the retention period begins as soon as the plan is adopted by the governing body.
- *Closed:* With a record such as an investigation, the retention period begins once the case is closed.
- *Complete:* With a record such as a report, the retention period begins once the report has been finalized.
- *Execution of plan:* With a record such as a business plan, the retention period begins once the plan has been carried out.
- *Reference value ends:* Once the content of a record is no longer useful or significant, it can be destroyed. This disposition is usually applied to records that were not created by the agency.
- *Service ends:* With a record relating to an elected or appointed office, the retention period begins once the term of service ends.
- *Superseded or Obsolete:* With any record that is produced in versions, an older version can be destroyed when the new version is received.

Several symbols are used within the disposition instructions:

- ∞ archival records that should transfer to the State Archives for permanent retention
- Ω records that transfer to the State Records Center for temporary storage before destruction
- © records that transfer to the State Records Center for permanent security storage

³ Ibid.



Citation – a listing of references to statutes, laws, and codes related to the records series. Citations can include Authorities (governing the creation of records), Confidentiality (limiting access to public records), and Retention (setting a retention period).

- CFR = citation from the Code of Federal Regulations
- G.S. = citation from the North Carolina General Statutes
- NCAC = citation from the North Carolina Administrative Code
- USC = citation from the United States Code