Records retention schedules
Part 2 of a webinar series on records retention

MDH Center for Public Health Practice
January 2022

Records retention webinar series

1. Records and information management
2. **Records retention schedule**
3. Preserving and disposing of government records
4. Essential records management

Full webinar series: www.health.mn.gov; search for "records retention"

Agenda

- Refresher: Records

- What is a records retention schedule?

- Developing a schedule

- Implementing a schedule

Why records retention?

Records retention saves us time, space, and money.

It allows us to concentrate on doing our work.

It ensures we're accountable to Minnesotans.

Records and record series

- **Record**: Any documentation or information created and stored at an organization that is essential to the functioning of that organization, regardless of the format or medium

- **Record series**: A group of similar documents used for the same activity or function

What is/isn't a record?

What is a record?

- Documents transaction of public business

- Created or received in course of work
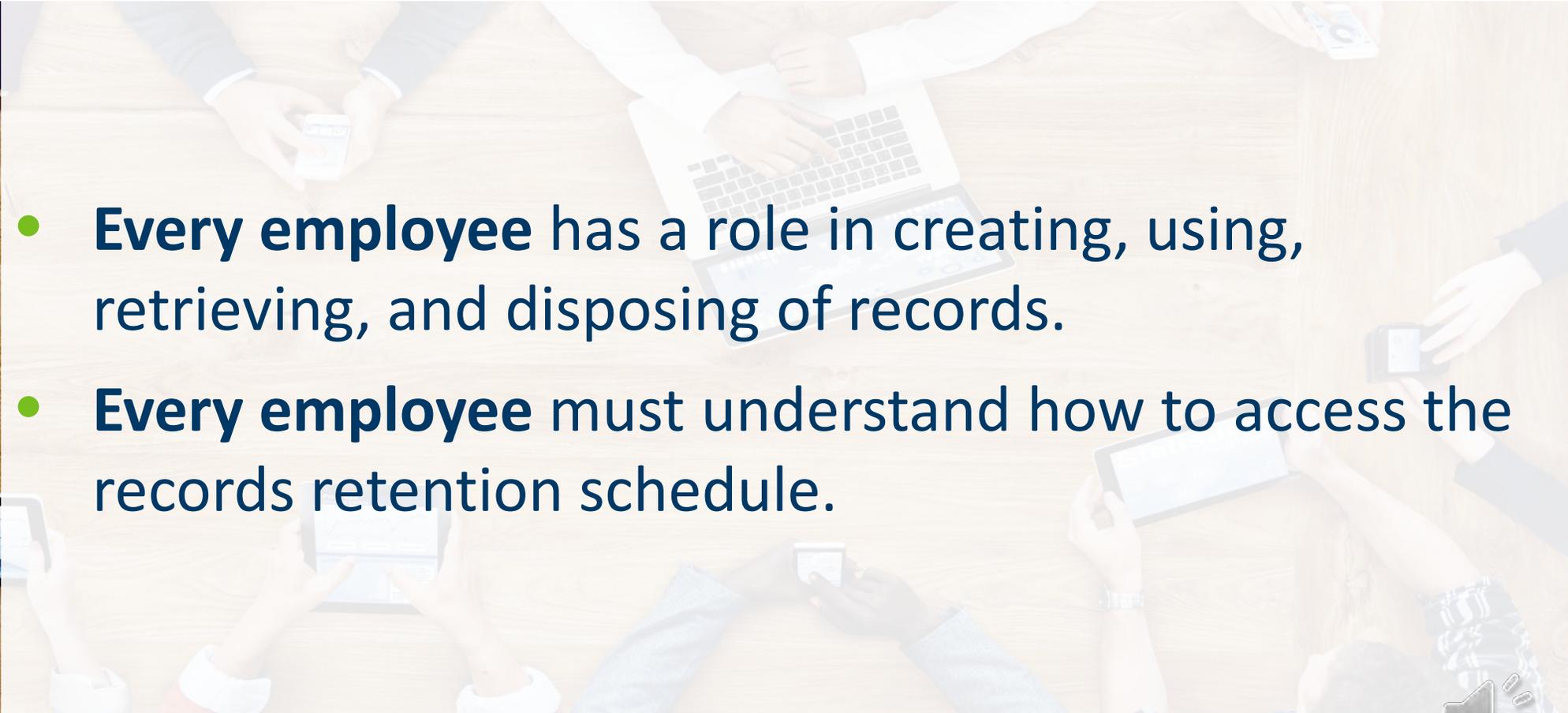
- Can be open or closed

- Any medium

What is not a record?

- Duplicates

- Copies

- Blank forms or stocks of publications

- Library/reference materials
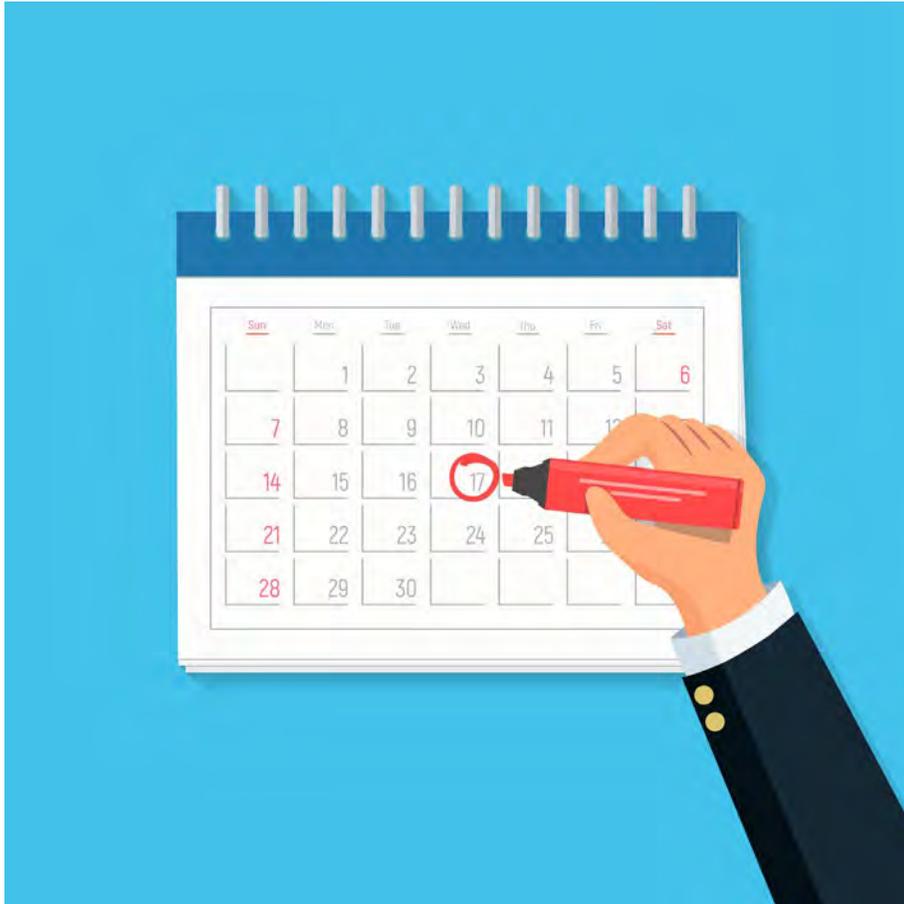
- Personal correspondence

Who is responsible?

- **Every employee** has a role in creating, using, retrieving, and disposing of records.

- **Every employee** must understand how to access the records retention schedule.

What is a records retention schedule?

What is a records retention schedule?

A records retention schedule is a clearly defined plan that determines how long a record has value and how it should be disposed of.

- A policy
- A plan
- Authorization

Statutory requirements

- Minn. Stat. § 15.17
- Minn. Stat. § 138.17
- Code of Federal Regulation (CFR)
- United States Code (USC)
- County or local requirements

Types of schedules

- **General retention schedules**
  - Provided by Minnesota Historical Society
  - Identifies common records series, retention periods, data practices classifications
  - If your office has records not in the general schedule, list them in a separate schedule
  - Must be adopted by your organization and the Minnesota Records Disposition Panel
- **Customized/specific schedules**
  - Must be adopted by your organization and the Minnesota Records Disposition Panel

Safeguard against improper disposal

- Don't dispose of records if your organization doesn't have an approved schedule.

- Don't dispose of records that aren't on the approved schedule.

Developing a records retention schedule

1. **Inventory existing records**
   1. Inventory
   2. Evaluate value
   3. Classify

2. **Complete the records retention schedule form**
   1. Fill out schedule form
   2. Wait for approval process

3. **Implement the retention schedule**

Developing a records retention schedule
Part 1: Inventory your records

Inventory existing records

- All spaces, physical and electronic
- Identifies what you have, where it's stored, and how much is there
- Consider comparing general schedule to your own records

MINNESOTA RECORDS INVENTORY*
See Instructions on Reverse.

1. Agency	2. Division/Section	3. Location of Records

4. Records Series Title

5. Records Series Description. Include contents (e.g. contracts, reports, applications, correspondence), purpose, and form numbers.

6. ☐ Original File ☐ Duplicate File	7. If duplicate, list location of original file.

8. STORAGE MEDIA (Check all that apply)

☐ Paper
☐ Microfilm (not COM)
☐ Computer Output Microfilm (COM)
☐ Electronic (Tapes, Disks)

☐ Other, including:
☐ Photographs
☐ Computer Cards
☐ X-Rays
☐ Slides
☐ _____

9. DATA PRIVACY CLASSIFICATIONS

Statute Number or Date of Temporary Classification

☐ Public _____
☐ Private _____
☐ Confidential _____
☐ Nonpublic _____
☐ Protected Nonpublic _____

10. RETENTION REQUIREMENTS	YEARS	CITATION
A. Federal Law		
B. State Law		
C. Statute of Limitations		
D. Audit Period		
E. Administrative Needs		

11. RECOMMENDED RETENTION PERIODS
A. Agency Office
B. Agency Storage
C. State Records Center (State Agencies Only)
D. Total Retention (A + B + C)

12. A vital record is essential to the continuation or resumption of your operations after a disaster.
Are any documents in this records series considered vital?   ☐ Yes   ☐ No
If yes, which documents are vital and why?

13. VOLUME   (See Chart) ⟶

Office	Storage
Cubic Feet	Cubic Feet
Inclusive Dates	Inclusive Dates

VOLUME CHART TO DETERMINE CUBIC FEET

Letter Size Drawer = 1.5   3X5 Card 12" Row = 0.1
Legal Size Drawer = 2.0   4X6 Card 12" Row = 0.2
Shelving 4' Letter = 2.3   5X8 Card 12" Row = 0.3
Shelving 4' Legal = 3.0   Printouts 12" Stack = 1.25
Records Center Box = 1.0   Transfer Case = 2.5
(12" X 15" X 10")   (24" X 16" X 11")

14. Inventory Completed By (Print Name)	Title	Date	Phone

Records inventory worksheet

Online: www.mnhs.org/preserve/records/recser.php; look under "Forms"

16

How long must we keep these records?

- Research applicable laws and rules
  - Minimum time to keep, "not to exceed" time to keep
- Consider records' importance

Evaluating the value of records

- Administrative value

- Legal value

- Fiscal value

- Historical value

Evaluating value: Administrative

- Fulfill responsibilities

- Help perform current or future work

- When work is complete, record value is exhausted

- Most records have administrative value

Evaluating value: Legal

- Document or protect rights or obligations of citizens, organization

- Examples:
  - Legal decisions and opinions
  - Fiscal documents
  - Titles and contracts
  - Records of actions

Evaluating value: Fiscal

- Financial transactions
- Required for audit

Evaluating value: Historical

- Significant events

- Organization's history and development

- Help with problem-solving

- Important to state, students, researchers, historians, citizens

Classifying records
Minnesota Government Data Practices Act (Minn. Stat. § 13)

	Data on individuals	Data on decedents	Data not on individuals
Public	**Public + individuals** • accessible to anyone for any or no reason	**Public + decedents** • accessible to anyone for any or no reason	**Public + not on individuals** • accessible to anyone for any or no reason
Private and nonpublic	**Private + individuals** • accessible to data subject • not available to public	**Private + decedents *** • accessible to representative of decedent • not accessible to public	**Nonpublic + not on individuals** • accessible to subject of the data, if any • not accessible to public
Confidential and protected nonpublic	**Confidential + individuals** • not accessible to data subject • not accessible to public	**Confidential + decedents *** • not accessible to representative of decedent • not accessible to public	**Protected nonpublic + not on individuals** • not accessible to data subject • not accessible to public

* Private and confidential data on decedents become public data ten years after the death of the data subject and 30 years after the creation of the data.

Developing a records retention schedule
Part 2: Complete the Records Retention Schedule form

1. Schedule Number	Date	2. New	Revision of	**MINNESOTA RECORDS RETENTION SCHEDULE**	
3. Agency		4. Division/Section		6. Page 1 of	
5. Address				See attached page(s) for records description	

7. For Use By Records Panel Only

AUTHORIZATION: Under the authority of M.S. 138.17, it is hereby ordered that the records listed on this application be disposed per approved schedule.		Notice: This retention schedule has been reviewed by the State Records Disposition Panel in accordance with Minnesota Statutes 138.17. The records listed on this schedule have been reviewed for their historical, fiscal, and legal value.	
8. Agency Records Management Officer (signature)	Date	11. Minnesota Historical Society, Director	Date
9. Type Name / Phone		12. Legislative or State Auditor	Date
10. Agency Head or Designee (signature)	Date	13. Attorney General	Date

Original-State Records Disposition Panel   Copy 1-Agency (after approval)

14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. Statute (optional)	18. Essential? (Yes/no)	19. Archival? (Yes/no)

Records retention schedule form

- Help document record value
- You can use any form, but the Minnesota Historical Society is a good place to start: www.mnhs.org/preserve/records/recser.php

25

Completing the retention schedule form

14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. Statute (optional)	18. Essential? (Yes/no)	19. Archival? (Yes/no)

- Number each record series; do not use Roman numerals

- Title the series and give it a description; don't be vague

- Be specific about the length of time to retain

MDH records retention schedule (excerpt)

13. PUBLIC HEALTH AND HEALTH CARE PROVIDERS

This section covers records relating to improving the public health by working with establishments offering food, lodging or water recreation.

13.1 MANAGED CARE

Managed Care Systems regulates Health Maintenance Organizations (HMOs) and County Based Purchasers (CBPs) regarding quality of care, access to services, network adequacy, utilization review, complaints and appeals, and financial solvency. Regulatory Compliance is monitored through quality assurance examinations, financial examinations, investigations of complaints, review of Certificates of Coverage, review of network adequacy, and designation of Essential Community Providers (ECPs), among other things.

Old Retention Schedule Number	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
06-029 (CM) -1A, 1F, 9, 10	13.1.1 Health Maintenance Organizations (HMO) Applications - Approved Approved applications for HMO licensure. Includes but is not limited to all supporting documentation may include but is not limited to: • Reports • Datasets • Certificates of Authority • Articles of incorporation • Bylaws • Service area • Conflict of interest • Medical director information • Required evidence of financial solvency • Internal HMO policies and procedures	Retain permanently	Non-Archival Non-Essential OR=CM

1. Schedule Number Date	2. New Revision of	**MINNESOTA RECORDS RETENTION SCHEDULE**
3. Agency	4. Division/Section	6. Page 1 of
5. Address		See attached page(s) for records description
7. For Use By Records Panel Only		

8. Agency Records Management Officer (signature)	Date

10. Agency Head or Designee (signature)	Date

14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. Statute (optional)	18. Essential? (Yes/no)	19. Archival? (Yes/no)

Organizational approval

- Two signatures from your organization:
  - Your agency's records management officer
  - Your agency's head (or designee)

State approval

1. Submit three copies to the Minnesota State Archives

2. The Minnesota State Records Disposition panel will review your schedule

3. The State Archives will return an approved copy to you
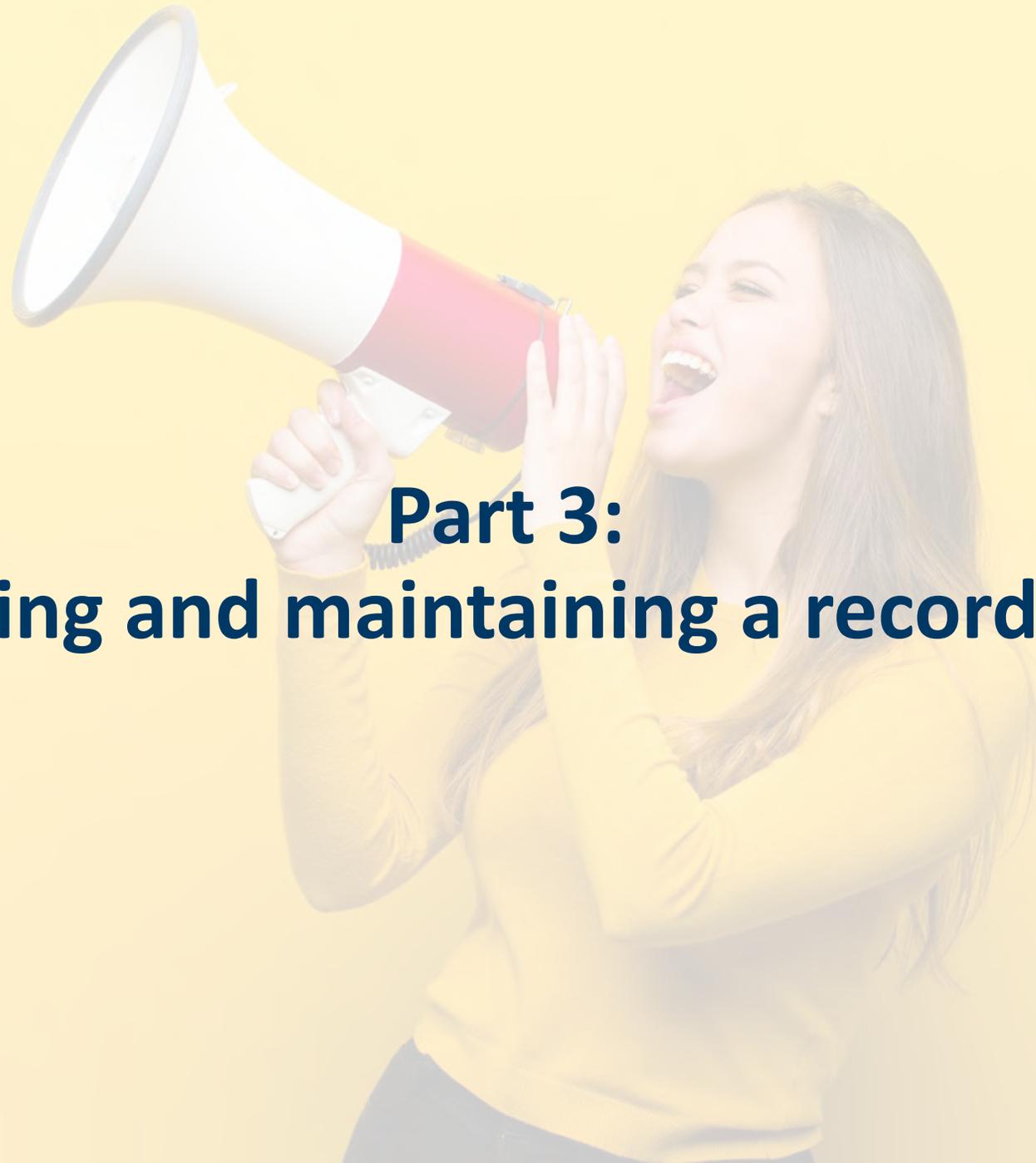
Part 3:
Implementing and maintaining a records schedule

What does implementation look like in practice?

- All staff must be able to read, understand, and follow the schedule.

- Upper management must support and enforce it.

- Disseminate the schedule to staff, and train them to use it.

- Conduct an annual purge.

- Establish or modify your filing system (paper and electronic).

Records maintenance

- Life cycle of a record does not end until the record has been destroyed or permanently transferred.

- In general:
  - 30% are active (keep on site)
  - 30% are inactive (keep offsite)
  - 40% have expired (can be destroyed, transferred)

Monitor and evaluate

- Periodically evaluate your record schedule in light of changing laws and business practices

- No need to change or rewrite the entire schedule—can revise just a single series if needed

Authorized disposition of records

- **Authority to dispose**: Approved record schedule = your organization's authority to dispose of records

- **Appropriate disposal**:
  - Check local ordinances
  - Use caution, especially with non-public records
  - Halt during audits, legal holds, investigations, or information requests

- **Documenting disposal**: Required by Minn. Stat. § 138.17, subd. 7

Disposition outside of the schedule

- Records you need/want to dispose of early

- Records no longer created by organization

- Records not listed on the retention schedule

Application for authority to dispose of records:
www.mnhs.org/preserve/records/recser.php

Records destruction report

- Governmental organizations required to keep a list of disposed records

- This list is in itself a permanent record

Records destruction report:
www.mnhs.org/preserve/records/recser.php

Can't we keep everything?

- Storage costs are expensive
- Retrieval time grows burdensome
- Responsibility to protect becomes more difficult
- Legal risk increases

Can't we get rid of everything?

- Criminal misdemeanor penalties under state and federal law

- Criminal felony penalties for tampering with government records

Further resources on records retention schedules

- **Your county administrator**

- **Minnesota State Archives** (Minnesota Historical Society): www.mnhs.org/preserve/records/

- **MDH public health system consultants**: www.health.mn.gov; search for "who is my public health system consultant"

Records retention webinar series

1. Records and information management
2. Records retention schedule
3. **Preserving and disposing of government records**
4. Managing essential records in emergencies

Full webinar series: www.health.mn.gov; search for "records retention"

Thank you.