



Ram Raju, MD, MBA, FACS, FACHE
President and CEO

Operating Procedure 120-19

**CORPORATE RECORDS MANAGEMENT PROGRAM AND
GUIDELINES FOR CORPORATE RECORD RETENTION AND DISPOSAL**

TO: Distribution “D”
FROM: Ramanathan Raju, M.D.
President and Chief Executive Officer
DATE: May 8, 2015

TABLE OF CONTENTS

I. POLICY 6
II. “RECORD” DEFINED 6
 a. Definition of Record 6
 b. Records Created Outside of the Corporation 6
 c. Non-Record..... 6
III. PURPOSE 7
IV. “RECORDS MANAGEMENT PROGRAM” DEFINED..... 7
V. LEGAL REQUIREMENTS..... 8
VI. SCOPE 8
VII. APPLICABILITY 8
VIII. MANDATORY COMPLIANCE 8
IX. REPORTING 8
X. WHISTLEBLOWER PROTECTION..... 8
XI. EFFECT ON OTHER CORPORATE POLICIES..... 8
 a. Existing Record Management Policies 8
 b. HIPAA Privacy and Security Policies 9
 c. Human Subject Research Protection Policies 9

- d. Other Corporate Policies that involve Records Management and/or Documentation 9
- e. Adherence to the Requirements set forth in this OP..... 9
- XII. RESPONSIBILITIES 9**
 - a. Senior Vice Presidents 9
 - b. Executive Directors..... 9
 - c. Facility Records Management Officers ("Facility RMOs") 10
 - d. Corporate Records Management Officer ("Corporate RMO") 10
 - e. Office of Legal Affairs ("OLA") 11
 - f. Office of Corporate Compliance ("OCC") 11
 - g. Office of Internal Audits..... 12
 - h. Records Retention Council ("RRC")..... 12
 - i. Central Office Cost Center Managers..... 13
 - j. All HHC Workforce Members 14
- XIII. ATTACHMENTS..... 14**
- a. Significance 14
- XIV. ADOPTION OF RECORD RETENTION SCHEDULE..... 15**
- XV. RECORD RETENTION PROCEDURE 15**
- XVI. RECORDS NOT COVERED BY HHC’S RECORD RETENTION SCHEDULE .. 16**
- XVII. TAMPERING WITH AND/OR FALSIFYING CORPORATION RECORDS IS STRICTLY PROHIBITED 16**
 - a. Tampering and Falsification of Records..... 16
 - b. Mandatory Reporting..... 16
 - c. False Claims/Overpayments 17
- XVIII. THE RETENTION OF RECORDS RELATED TO FALSE CLAIMS ACT ALLEGATIONS..... 17**
- XIX. RECORDS PERTAINING TO INTERNAL AND EXTERNAL AUDITS OR REQUESTS MADE BY CITY, STATE, AND/OR FEDERAL AGENCIES 17**
- XX. PATIENT/MEDICAL RECORDS AND HUMAN SUBJECT RESEARCH RECORDS 17**
 - a. Required Period of Retention of Medical Records and Human Subject Research Records Under Applicable Law..... 17
 - b. Corporate Policy Regarding Retention of Medical Records and Materials and Records Related to Research..... 18
 - c. Summary of Patient-Related Records Retention Period 19
 - d. Definition of Research Record..... 19

XXI. ELECTRONIC RECORDS AND E-MAILS..... 20

- a. Electronic Records..... 20
- b. E-mails..... 20
- c. Electronic Records Distributed via Internet..... 21

XXII. MANAGEMENT AND MAINTENANCE OF DATA STORED ON BACK-UP SYSTEMS 21

- a. General Guidelines 21
- b. Purpose 21
- c. Scope..... 21
- d. Categorization of HHC Corporate-wide IT Infrastructure..... 22
- e. Implementation Specifications for the Use and Scheduling of Data Backup..... 22
- f. Tape Management..... 22
- g. Protection Policies 23
- h. Data/Tape Encryption 24
- i. Responsibilities..... 24
- j. Effect of the Issuance of a Legal Hold..... 24
- k. Exceptions to the Provisions in this Section..... 25

XXIII. PRESERVATION OF RECORDS AND SUSPENSION OF ROUTINE RECORD DESTRUCTION PROCEDURES FOR LITIGATION AND INVESTIGATORY PURPOSES 25

- a. Definitions 25
- b. General Policy..... 25
- c. Issuance of a Legal Hold Notice..... 27
- d. Collection of Electronic Records for Legal Hold Purposes..... 28
- e. The Obligation to Preserve in Current Format 28
- f. Legal Hold and Triggering Event: Guidance for HHC Workforce Members 28
- g. Collection of Records for Purposes of Investigatory Hold 29
- h. Investigatory Hold – Guidance for HHC Workforce Members..... 29

XXIV. RECORDS CREATED BEFORE 1910 30

XXV. RECORDS THAT HAVE BEEN MICROFILMED OR ELECTRONICALLY DUPLICATED..... 30

XXVI. HHC ACO, INC. RECORDS 31

- a. CMS Determination of Special Need 31
- b. The Termination, Dispute, or Allegation of Fraud or Similar Fraud against the ACO 31

| | |
|--|-----------|
| XXVII. DESTRUCTION OF RECORDS THAT HAVE MET RETENTION | |
| REQUIREMENTS | 32 |
| a. <u>Active Records</u> | 32 |
| b. <u>Destruction of Inactive Records</u> | 32 |
| c. <u>Inactive Confidential and/or Sensitive Records</u> | 32 |
| XXVIII. RECORDS DISPOSAL PROCEDURE..... | 33 |
| a. <u>Completion of the Front Page of the HHC Application and Authorization for Records Disposal (HHC 2845 (05/15)) Form (hereinafter "Application")</u> | 33 |
| b. <u>Review of Application</u> | 33 |
| c. <u>Approval of Application by Executive Management</u> | 33 |
| d. <u>Review by the Corporate RMO before Submission to the OLA</u> | 34 |
| e. <u>Approval as to Legal Form by the OLA</u> | 34 |
| f. <u>Authorization of Disposal by the Corporate RMO</u> | 34 |
| g. <u>Certification of Destruction of Records</u> | 34 |
| h. <u>Permanent Record of Disposal Activities</u> | 34 |
| XXIX. INSTRUCTIONS FOR COMPLETING THE HHC APPLICATION AND | |
| AUTHORIZATION FOR RECORDS DISPOSAL (HHC 2845 (05/15)) FORM | 34 |
| a. <u>Instructions</u> | 34 |
| b. <u>Example</u> | 36 |
| XXX. HISTORICALLY SIGNIFICANT/ARCHIVAL RECORDS..... | 37 |
| a. <u>Historically Significant/Archival Records</u> | 37 |
| b. <u>Appraisal of Records for their Historical Value</u> | 38 |
| c. <u>Assessment Criteria</u> | 38 |
| d. <u>Guidance from the New York State Archives</u> | 39 |
| XXXI. RECORDS DAMAGED BY DISASTERS..... | 39 |
| XXXII. MANAGEMENT OF RECORDS FROM CLOSED FACILITIES | 39 |
| a. <u>Pre-Closure Records Management Requirements</u> | 39 |
| b. <u>Procedures for Managing Records from Closed Facilities</u> | 40 |
| c. <u>Responsibilities</u> | 40 |
| d. <u>Retention and Disposal of Records Originating from Closed Facilities</u> | 40 |
| XXXIII. STORAGE OF RECORDS ONSITE OR AT FACILITIES MAINTAINED BY | |
| THIRD PARTY VENDORS..... | 41 |
| a. <u>Storage of HHC Records</u> | 41 |
| b. <u>Onsite Storage of Records</u> | 41 |
| c. <u>Outsourcing of Record/Data Storage</u> | 43 |
| XXXIV. FREEDOM OF INFORMATION LAW REQUESTS | 44 |

| | |
|--|-----------|
| XXXV. DISPOSITION OF EMPLOYEE DISCIPLINARY, INVESTIGATIVE AND PERFORMANCE EVALUATION RECORDS..... | 44 |
| XXXVI. APPLICABLE LAW PREVAILS | 45 |
| XXXVII. QUESTIONS REGARDING THE APPLICATION OF THIS OP..... | 45 |
| XXXVIII. REPORTS OF NONCOMPLIANCE..... | 45 |
| XXXIX. FUTURE POLICIES/DEVIATION FROM THE THIS OP..... | 45 |
| XL. EFFECTIVE DATE..... | 45 |

ATTACHMENTS

- I. NEW YORK CITY HEALTH AND HOSPITALS CORPORATION RECORDS
RETENTION AND DISPOSAL SCHEDULE**
- II-a. SUMMARY OF RECORD RETENTION REQUIREMENTS FOR PATIENT-
RELATED RECORDS**
- II-b. SUMMARY OF RECORD RETENTION REQUIREMENTS FOR MATERIALS
AND RECORDS RELATED TO RESEARCH**
- III. APPLICATION AND AUTHORIZATION FOR RECORDS DISPOSAL**
- IV. APPRAISAL OF LOCAL GOVERNMENT RECORDS FOR HISTORICAL
VALUE**
- V. SUMMARY OF RECORD RETENTION REQUIREMENTS FOR HUMAN
RESOURCES AND LABOR-RELATED RECORDS**
- VI. SUMMARY OF RECORD RETENTION REQUIREMENTS FOR RECORDS
RELATED TO MEETINGS, HEARINGS, AND COMMITTEE PROCEEDINGS**

I. POLICY: The Corporation¹ is committed to: (i) maintaining all Records generated and kept in the normal course of business in an accurate, efficient, secure, and cost effective manner, in full compliance with applicable Federal and New York State (“State”) Record retention laws, and consistent with HHC’s internal policies and procedures; (ii) considering the value of any Record prior to its disposition; (iii) developing and maintaining an effective Records Management Program; and (iv) encouraging the systematic disposal of unneeded Records.

II. “RECORD” DEFINED:

- a. Definition of Record – For purposes of this OP the term “Record” shall mean information HHC creates and maintains in the normal course of business² including any book, paper, map, photograph, microphotograph, other information-recording device, or documentary medium, regardless of physical form, format or characteristic, that is drafted, made, produced, created, executed, or received by the Corporation or any workforce member thereof pursuant to law or in connection with the transaction of public business.³ Records can be in any media including paper, magnetic tape and optical disks.⁴ Except as provided for in § XXIII, *infra*, the term Record shall not include “non-records” as described in subdivision *c* of this section.
- b. Records Created Outside of the Corporation – Records created by any HHC workforce member while outside the Corporation, including email produced in workforce members’ home and on their personal home computers, remain the property of the Corporation.⁵
- c. Non-Record – For purposes of this Policy the term “non-record” shall mean: (i) library materials; (ii) extra copies of documents created only for convenience of reference; (iii) stocks of publications, but not including a single copy of any

¹ Note that throughout this Operating Procedure (“OP” or “Policy”) the terms “Corporation” and “HHC” are used interchangeably; both terms as used herein shall mean the “New York City Health and Hospitals Corporation,” which includes all facilities, entities, and units described in § VI, *infra*.

² New York State Archives, Managing Records, Identifying Records, *Records*, http://www.archives.nysed.gov/a/records/mr_id.shtml (accessed Jan. 21, 2015); Prudence K. Backman, New York State Archives, Local Government Records Technical Information Series Pub. No. 50, Appraisal of Local Government Records for Historical Value at 5 (1996), http://www.archives.nysed.gov/a/records/mr_pub50.pdf.

³ Arts and Cultural Affairs Law § 57.17 (4) (defining record as “any book, paper, map, photograph, or other information-recording device, regardless of physical form or characteristic, that is made, produced, executed, or received [by the Corporation] or [any workforce member] thereof pursuant to law or in connection with the transaction of public business.”); *see also* Thomas D. Norris, New York State Education Department, Local Government Records Technical Information Series Pub. No. 61, The Seven Attributes of an Effective Records Management Program at 16 (2002), http://www.archives.nysed.gov/a/records/mr_pub61.pdf.

⁴ NY State Archives, Managing Records, Identifying Records, *Records*.

⁵ *Id.*

publication the Corporation creates;⁶ (iv) emails regarding general listserv messages; (v) spam; or (vii) documents, data, and any other type of information including, without limitation, personal messages,⁷ personal notes or temporary drafts, that: (a) do not match the content and purpose and/or function of any of the schedule items found in the NYC Health and Hospitals Corporation Record Retention and Disposal Schedule (*see* Attachment I, *infra*, and § XIII, subdivision a, paragraph (i) of this OP, *infra*) or are not otherwise required to be retained by provisions found elsewhere in this Policy; and (b) do not reasonably appear to be any of the following:

- Information required to meet the Corporation’s administrative, fiscal, or legal needs;⁸
- Information that has historical, research, or other archival value;⁹
- Information that is evidence of the Corporation’s decisions and actions;¹⁰ or
- Information that has been created or received by the Corporation in the formal operation of its responsibilities.¹¹

III. PURPOSE: To establish a corporate-wide Records Management Program including the promulgation of guidelines for the retention and disposal of Records.

IV. “RECORDS MANAGEMENT PROGRAM” DEFINED: For purposes of this OP, the term “Records Management Program” shall mean the Corporation’s ongoing, coordinated, administrative effort to systematically manage its Records from initial creation to final disposition.¹²

⁶ See Arts and Cultural Affairs Law § 57.17 (4) (providing that the term record “shall not be deemed to include library materials, extra copies of documents created only for convenience of reference, and stocks of publications.”); NY State Archives, Managing Records, Identifying Records, *Records*.

⁷ Ann Marie Przybyla, New York State Education Department, Pub. No. 85, Developing a Policy for Managing Email at 10 (2010), http://www.archives.nysed.gov/a/records/mr_pub85.pdf.

⁸ New York State Archives, Appraisal of Local Government Records for Historical Value at 5.

⁹ The University of the State of New York, The State Education Department, Records Retention and Disposition Schedule MI-1, 8 NYCRR 185.14 (Appendix K) at *Purpose*, p. vii (1988, rev. 2006) (hereinafter Appendix K), available at http://www.archives.nysed.gov/a/records/mr_pub_mi1.pdf.

¹⁰ See New York State Archives, Managing Records, Starting a Program, *What are records?*, http://www.archives.nysed.gov/a/records/mr_start.shtml (accessed Mar. 9, 2015).

¹¹ See The Seven Attributes of an Effective Records Management Program at 16 (record defined).

¹² 8 NYCRR 185.1 (b) (defining records management program as an “ongoing, coordinated, administrative effort to systematically manage [the Corporation’s] records from initial creation to final disposition.”).

- V. LEGAL REQUIREMENTS:** Under article 57-A of the Arts and Cultural Affairs Law, HHC, as a public benefit corporation, is considered a “local government” and, as such, is required to establish a Record Management Program for the organized and productive management of Records including those Records that have enduring/archival value (*see* § XXX, subdivision *a*, *infra*).¹³
- VI. SCOPE:** This OP governs Record management activities at all Corporation facilities, units, and entities, including: (i) all HHC-operated acute care hospitals and associated extension clinics; (ii) all diagnostic and treatment centers (“D&TCs”) and associated extension clinics; (iii) all nursing homes/long term care facilities; (iv) all HHC subsidiary corporations; (v) all Central Office units; (vi) all D&TCs designated as Federally Qualified Health Centers (“FQHC”); and (vii) HHC Health and Home Care.
- VII. APPLICABILITY:** This OP applies to all Corporation employees, personnel, affiliates, medical staff members, trainees, volunteers, and other persons whose conduct, in the performance of work for the Corporation is under the direct control of the Corporation, whether or not they are paid by the Corporation (collectively referred to hereinafter as “HHC workforce members”).¹⁴
- VIII. MANDATORY COMPLIANCE:** HHC workforce members who fail to adhere to this OP will be subject to discipline up to and including termination of employment, contract, and/or other relationship with the Corporation.
- IX. REPORTING:** All HHC workforce members have an affirmative obligation to report violations of this OP. Reports shall be made as provided under §§ XVII, subdivision *b*, *infra*, and XXXVIII, *infra*.
- X. WHISTLEBLOWER PROTECTION:** The Corporation strictly prohibits retaliation in any form, against any individual making a report, complaint or inquiry in good faith, concerning a violation of this OP.
- XI. EFFECT ON OTHER CORPORATE POLICIES:**
- a. Existing Record Management Policies – This OP amends, supersedes, and replaces in its entirety OP 120-19: *GUIDELINES FOR CORPORATE RECORD RETENTION AND DISPOSAL*.

¹³ *See* Arts and Cultural Affairs Law §§ 57.17 (1) (“local government” defined); 57.19 (requiring the governing body and chief executive official of a local government to “promote and support a program for the orderly and efficient management of records, including the identification and appropriate administration of records with enduring value for historical or other research.”); *see also, generally*, 8 NYCRR 185.1 (b) (records management program defined).

¹⁴ *Compare* 45 CFR 160.103.

- b. HIPAA Privacy and Security Policies – This OP shall be read and followed in conjunction with all HIPAA policies and procedures outlined in OP series 240 and 250.
- c. Human Subject Research Protection Policies - This OP shall be read and followed in conjunction with the human subject protection policies and procedures outlined in OP 180-9.
- d. Other Corporate Policies that involve Records Management and/or Documentation – This OP shall be read and followed in conjunction with all applicable policies and procedures concerning records management and/or record documentation including, without limitation, policies concerning medical record documentation; documentation requirements found under the Emergency Medical Treatment and Labor Act (“EMTALA”); and the use of corporate e-mail.
- e. Adherence to the Requirements set forth in this OP – Notwithstanding any Corporation policy, procedure or directive to the contrary, no Record shall be relinquished, destroyed or otherwise disposed of prior to the satisfaction of the Record retention periods set forth herein except: (i) as provided under §§ XXXI and XXXV hereunder; or (ii) as required by applicable law.

XII. RESPONSIBILITIES:

- a. Senior Vice Presidents¹⁵ – Network Senior Vice Presidents are responsible for, among other things, ensuring that all facilities in their respective health networks (“Networks”) operate in accordance with this Policy and implement internal controls to monitor Record retention and disposal activities. Central Office Senior Vice Presidents are responsible for ensuring that all Central Office units in their respective divisions operate in accordance with this Policy and implement internal controls to monitor Record retention and disposal activities.
- b. Executive Directors – Executive Directors are responsible for, among other things, the appropriate implementation of Record retention and disposal procedures in their respective facilities. These responsibilities include the designation of a Facility Records Management Officer (“Facility RMO”) and the development of internal controls. Internal controls include, but are not limited to, the inventory of facility-wide Records, and monitoring Records disposal and archival procedures, off-site archives, and compliance with applicable regulatory requirements.

¹⁵ All other HHC Corporate Officers, as that term is defined in Article VII, § 1, of the HHC Bylaws, as well as direct reports to the President, bear the same responsibilities outlined in this subdivision.

- c. Facility Records Management Officers (“Facility RMOs”) – Facility RMOs are responsible for, among other things, the coordination of their facility’s Record retention and disposal activities. This responsibility includes working with Department Heads/Cost Center Managers to ensure facility Record inventories are conducted; the maintenance of Record retention and disposal summary documentation; periodic monitoring of facility Record retention, archival, and disposal practices; and serving as the liaison to the Corporate Records Management Officer (“Corporate RMO”) regarding the disposal of patient case Records and related material. Facility RMOs will ensure compliance with retention and disposal requirements and will verify disposal requests as having met the corporate retention schedule prior to submission to the Corporate RMO.
- d. Corporate Records Management Officer (“Corporate RMO”) – Pursuant to State regulation, the Corporate RMO is responsible for, among other things, the following:¹⁶ (i) working with the State Archives and Records Administration and updating the Record retention and disposal procedure/schedule; (ii) recommending to the Commissioner of the New York State Education Department (“SED”) suitable retention periods for any Record not covered by Records retention and disposition schedules; (iii) coordinating the storage and management of inactive Records (those Records no longer needed to conduct day-to-day business); (iv) the coordination of Central Office Record retention and disposal procedures/schedules and related matters; (v) serving as liaison to HHC facilities requesting the disposal of patient care Records and related materials; (vi) verifying that all disposal requests have met corporate retention requirements prior to sanctioning the disposal of the corresponding Records; (vii) sharing facility requests with all relevant Central Office units as appropriate; (viii) ensuring the transmission of disposal requests to the HHC Office of Legal Affairs (“OLA”); and (ix) organizing or coordinating a program for the identification, administration and use of Records of enduring value (also referenced as “archival Records”).¹⁷

The Corporate RMO shall serve as the Corporation’s “records management officer” as that term is defined under SED regulations found at 8 NYCRR 185.1 (a).¹⁸ The Corporate RMO shall report directly to the Chief Corporate Compliance Officer (“CCO”) with regard to his/her Record management

¹⁶ See generally 8 NYCRR 185.2 (c).

¹⁷ See *id.* at 185.1 (c) (which defines “[r]ecords of enduring value (archival records) ... [as] those records worthy of permanent retention and special administration because of the importance of the information they contain for continuing administrative, legal, or fiscal purposes, or for historical or other research.”); see also Appendix K at *Archival Records*, p. viii.

¹⁸ See 8 NYCRR 185.1 (a) (defining the records management officer as “the local officer charged with the responsibility to develop and coordinate the local records management program in accordance with section 57.19 of the Arts and Cultural Affairs Law.”).

responsibilities. With respect to carrying out the responsibilities outlined in this OP, all Facility RMOs shall have supplemental dotted line reporting responsibilities to the Corporate RMO. In addition to the responsibilities outlined *supra*, the Corporate RMO shall be responsible for all other duties and functions of the records management officer outlined in Article 57-A of the Arts and Cultural Affairs Law and 8 NYCRR part 185,¹⁹ except that with regard to those duties and functions designated pursuant to this policy to the Facility RMOs, *supra*, at § XII, subdivision *c*, or the Records Retention Council (“RRC”), *infra*, at § XII, subdivision *h*, the Corporate RMO shall work in conjunction with the Facility RMOs, Central Office Cost Center Managers, and the RRC to ensure the implementation of such functions.

- e. Office of Legal Affairs (“OLA”) – OLA is responsible for, among other things, the following: (i) assisting the Corporate RMO with coordination of the HHC Application and Authorization for Records Disposal (HHC 2845 (05/15)) form (see Attachment III; *see also* § VIII, subdivision *a*, paragraph [iv] of this OP, *infra*), including determining if any HHC Record eligible for disposal must be held for the purpose of litigation, condition order, or settlement of litigation; and (ii) providing legal guidance in the case of an apparent conflict between this OP and applicable law.

- f. Office of Corporate Compliance (“OCC”) – OCC is responsible for, among other things, the following: (i) oversight of the Corporation’s Records management, retention, and disposal procedures; and (ii) addressing Records management as a core area of the Corporation’s Corporate Compliance Program. Upon the approval of both the Corporation’s President and, as provided under Article 57-A of the Arts and Cultural Affairs Law and its implementing regulations, the HHC Board of Directors, the Deputy Corporate Compliance Officer within the OCC who serves as the Corporation’s HIPAA Privacy and Security Officer shall also serve as the Corporation’s Corporate RMO.²⁰ In the event that the Corporate RMO position becomes vacant, the OCC shall promptly recommend a new Corporate RMO to the President and the Board for approval and designation; the designation must take place within 60 days of the incumbent’s departure.²¹ At the direction of the President, the CCO shall notify the Commissioner of the SED of the name, title, and contact information of the replacement Corporate RMO within a month of such designation.²² In the event that the Corporate RMO

¹⁹ See Arts and Cultural Affairs Law § 57.19 (outlining the duties of the records management officer); *see also* 8 NYCRR 185.2 (c) (same).

²⁰ See Arts and Cultural Affairs Law § 57.19; *see also* 8 NYCRR 185.2 (a).

²¹ See 8 NYCRR 185.2 (b) (1).

²² See *id.* at 185.2 (b) (2).

position becomes vacant, the CCO shall serve as the interim Corporate RMO until a new Corporate RMO is selected and appointed.

- g. Office of Internal Audits – Upon the request of the OCC as set forth in OP 50-1 (Corporate Compliance Program), the Office of Internal Audits, as part of its normal auditing activities, will assist the OCC as needed to periodically audit compliance with this OP.²³
- h. Records Retention Council (“RRC”) – RRC is responsible for, among other things, assuring that this OP is implemented in an efficient and uniform manner throughout the Corporation. The RRC shall: (i) issue rules to enforce and implement this OP; (ii) recommend to the President of the Corporation changes to this OP, as needed; (iii) review and make recommendations on requests for Records storage equipment; (iv) participate in the development of, review proposals for, and/or coordinate any micrographics or electronic information systems; (v) submit to the President of the Corporation a report detailing the state of the Records within 45 days of the end of each fiscal year. The report shall include, but not be limited to, identifying:
- The total number of Records stored by the Corporation;
 - The current cost and projected cost for storing the Records; and
 - Initiatives taken by the RRC to assure compliance with this OP.

In addition, the RRC shall also perform periodic assessments of risks regarding the Corporation’s Record management activities. Such assessment shall occur as part of and in coordination with the corporate-wide assessment and identification of risks performed periodically by the OCC.

The RRC shall meet periodically, as needed, but in no event less than once per calendar year. The RRC shall be co-chaired by the Senior Vice President/Chief Information Officer (“CIO”) and the CCO (or their respective designees), and shall include the following additional members: (i) one representative from each of the six HHC Healthcare Networks (the “Networks”) to be chosen by the respective Network Senior Vice President; (ii) one representative from HHC Health and Home Care, MetroPlus, and the HHC Fund to be chosen by their respective Executive Directors; (iii) one representative from Corporate

²³ HHC Operating Procedure 50-1 § 5 (A) (provides that “[t]he CCO may delegate to appropriate employees or departments [such as Internal Audits ...] the responsibility to conduct reviews of issues of concern if [the CCO] deems such reviews are necessary to fulfill the mission of the Corporate Compliance Program.”).

Operations, the Office of Medical and Professional Affairs, the Division of Finance, the Office of Human Resources and Workforce Development, and the OLA to be chosen by the respective corporate officer charged with administrative oversight of these central office divisions; (iv) one representative from the HHC ACO, Inc., to be chosen by its President; and (v) the Corporate RMO.

As part of its responsibilities, the RRC shall establish an Electronic Discovery Taskforce (“e-Discovery TF”), whose members shall be decided by the co-chairs of the RRC and the General Counsel of the Corporation, and may include both RRC and non-RRC members. The e-Discovery TF shall be charged with reviewing and making recommendations regarding the revision and further development of existing Record retention practices, policies and procedures, related to the retention, preservation, collection, production, and destruction of electronic Records and data (in any form or medium) in the possession, custody, and control of the Corporation where litigation involving the Corporation has commenced or is reasonably anticipated.²⁴

The RRC shall also be responsible for determining what Records shall be designated as archival Records. Archival Records are Records that the Corporation must keep permanently and include the following:

- Records required to meet the fiscal, legal, or administrative needs of the Corporation; and
- Records that contain historically significant information.

Within 90 days after the end of each fiscal year, the RRC shall prepare a report to describe what Records have been disposed of during the most recent fiscal year.²⁵ The CCO shall, on behalf of the RRC, disclose the findings of the report to the Board.²⁶

- i. Central Office Cost Center Managers – Central Office Cost Center Managers are responsible for, among other things, ensuring compliance with Record retention and disposal requirements within their respective Central Office units and will verify disposal requests as having met the requirements of the OP prior to submission to Corporate RMO.

²⁴ Nothing herein shall be construed to limit, restrict, interfere with or impinge upon the Office of Legal Affairs’ ability to direct the issuance of litigation holds in the context of anticipated or actual litigation.

²⁵ See Appendix K at *Suggestions for Records Disposition*, § 6 (D), p. xviii.

²⁶ See *id.* § 6 (E).

- j. All HHC Workforce Members – All HHC workforce members are responsible for retaining, managing, and disposing of applicable Records in compliance with this OP.

XIII. ATTACHMENTS:

- a. Significance – The attachments to this OP, which are discussed in detail in the subdivisions to follow, are necessary for the implementation of the Records retention and disposition requirements and procedures. Accordingly, responsible HHC workforce members, as those individuals are outlined in § XII of this Policy, *supra*, should review and familiarize themselves with these attachments prior to implementing the Records Disposal Procedure set forth in § XXVIII, *infra*. The six attachments are, in numerical order, as follows:

- (i) Attachment I – “New York City Health and Hospitals Corporation Records Retention and Disposal Schedule” (last updated June 2014) (“the Schedule”). The Schedule adopts and follows the Record retention requirements promulgated by the Commissioner of the SED for local government public benefit corporations (*see* § V of this OP, *supra*). The Schedule, which was adopted via formal resolution by the HHC Board of Directors on June 26, 2014, contains the Record retention periods for all Records and, pursuant to § XV of this OP, *infra*, must be reviewed prior to the disposition of any Record.
- (ii) Attachment II-a – “Summary of Record Retention Requirements for Patient-Related Records.” This summary provides an overview of the various Record retention periods that apply to patient-related Records. The fine nuances of the disposition requirements pertaining to patient-related Records are examined in detail under § XX of this OP, *infra*.
- (iii) Attachment II-b – “Summary of Record Retention Requirements for Materials and Records Related to Research.” This summary outlines the numerous research-related Records and applicable retention periods that are not found in the Schedule. Record retention requirements pertaining to Materials and Records Related to Research are discussed in § XX of this OP, *infra*.

Record retention periods found in Attachment II-b are based on applicable regulations and/or guidelines from various government agencies.

- (iv) Attachment III – HHC “Application and Authorization for Records Disposal” (HHC 2845 05/15) form (“Application”). This form must be completed by various responsible HHC workforce members to facilitate

the disposition of Records. Sections XXVIII and XXIX of this OP, *infra*, provide details on how to appropriately complete the Application.

- (v) Attachment IV – “Appraisal of Local Government Records for Historical Value.” Pursuant to § XXX of this OP, *infra*, Records that possess historical or archival value may not be destroyed even if the corresponding period of retention set forth in the Schedule has been met. This document provides HHC workforce members with guidance and assistance on how to assess Records for historical value.
- (vi) Attachment V – “Summary of Record Retention Requirements for Human Resources and Labor-Related Records.” This summary provides an overview of the various Record retention periods that apply to human resources and labor-related Records.
- (vii) Attachment VI – “Summary of Record Retention Requirements for Records Related to Meetings, Hearings, and Committee Proceedings.” This summary provides an overview of the various Record retention periods that apply to minutes and other documents that stem from meetings held throughout the Corporation.

XIV. ADOPTION OF RECORD RETENTION SCHEDULE: All amendments to the Schedule, except those pursuant to the issuance of a revised schedule by the Commissioner of the SED, must be formally adopted by the HHC Board of Directors (“Board”) via resolution.²⁷ Note, however, that once the Board adopts the Schedule, future Board adoption is not necessary if changes in the Schedule are subsequent to, and adopted from, a revised retention schedule issued by the SED.²⁸

XV. RECORD RETENTION PROCEDURE: All HHC workforce members are required to comply with the provisions of the Schedule (*see* § XIII, subdivision *a*, paragraph [i] [Attachment I], *supra*) and with other provisions of this OP concerning the retention and disposal of Records. Unless otherwise stated elsewhere in this OP or another HHC policy, applicable law, or as directed by any of the individuals mentioned in § XXIII, subdivision *b*, paragraphs (i) and (ii), *infra*, the Corporation is only required to keep one copy of a given Record - - the official or record copy - - to satisfy the Record retention requirements found in the Schedule.²⁹ Notwithstanding, additional copies, drafts, and/or

²⁷ See Appendix K at *Adoption and Use of the Schedule*, p. vii.

²⁸ See *id.*

²⁹ New York State Archives, Managing Records, Storage and Preservation, *Less is better*, http://www.archives.nysed.gov/a/records/mr_storage.shtml (accessed Oct. 29, 2014); see also Suzanne Etherington and Ann Marie Przybyla, The University of the State of New York, The State Education Department, New York State Archives, Government Records Services Pub. No. 76, Inventory and Planning: The First Steps in Records Management at 34 (2003) (defining an official copy as “an original record or a copy of an original record, that is

initial or subsequent versions, portions, or segments of a Record (or data related thereto) such as, for example: (i) Records maintained on back-up systems as set forth in § XXII, *infra*; (ii) Records subject to internal and external audits as set forth in § XIX, *infra*; (iii) Records subject to preservation as set forth under subdivision *b* of § XXIII, *infra*; (iv) Records created before 1910 as set forth in § XXIV, *infra*; and (v) Records as part of a current Freedom of Information Law (“FOIL”) request as set forth under § XXXIV, *infra*, may require maintenance and retention in addition to (in terms of volume/copies) and beyond that (in terms of retention time) which is required of the official Record under the Schedule.

XVI. RECORDS NOT COVERED BY HHC’S RECORD RETENTION SCHEDULE:

The disposition of Records not covered by the Schedule shall be established by the RRC provided that the resulting disposition schedule is consistent with applicable law and approved by the Commissioner of the SED pursuant to 8 NYCRR 185.5 (c).³⁰

XVII. TAMPERING WITH AND/OR FALSIFYING CORPORATION RECORDS IS STRICTLY PROHIBITED:

- a. Tampering and Falsification of Records – Any HHC workforce member who in violation of Corporation policies and procedures or applicable law: (i) removes, mutilates or destroys a Record; (ii) makes or causes to be made a false entry in or falsely alters, erases, obliterates, deletes, removes or destroys a true entry in a Record;³¹ (iii) fails to make a true entry in a Record as required by law, professional standard, job description or HHC policy; or (iv) prevents the making of a true entry or causes the omission thereof in a Record,³² will be subject to discipline up to and including termination of employment, contract and/or other affiliation with the Corporation.
- b. Mandatory Reporting – Any HHC workforce member who is aware of an incident involving the falsification of, or tampering with a Record as described in subdivision *a* of this section, or has been directed by another HHC workforce member or other person to falsify or tamper with a Record, has an affirmative obligation to immediately report the same to the HHC Office of the Inspector General and the OCC.³³

used to meet the minimum retention period for that record; also called ‘record copy’’), http://www.archives.nysed.gov/a/records/mr_pub76.pdf.

³⁰ See Appendix K, p. xi; see also 8 NYCRR 185.5 (c).

³¹ See generally Penal Law §§ 175.20; 175.25.

³² See generally *id.* §§ 175.05; 175.10.

³³ Any report of falsification and/or tampering with official Records received by the OCC shall be promptly disclosed to the HHC Office of the Inspector General pursuant to HHC OP 30-1 § 5 (D) (Office of the Inspector General).

- c. False Claims/Overpayments – The OCC shall immediately address and reconcile any falsification and/or tampering of a Record that results in the submission of a false claim or the receipt of an overpayment.

XVIII. THE RETENTION OF RECORDS RELATED TO FALSE CLAIMS ACT

ALLEGATIONS: Civil actions arising under the State False Claims Act may be brought within ten years after the date the violation occurred.³⁴ In addition, actions under the Federal False Claims Act may be brought within: (1) six years of the date when the violation occurred; or (2) three years from the date when the facts of the violation became known or reasonably should have become known to the United States government; however, in no event can an action under the Federal False Claims Act be brought more than ten years from the date the violation occurred.³⁵ Accordingly, notwithstanding anything stated in this Policy to the contrary, if it is reasonably anticipated that a claim may be made under either the State False Claims Act or the Federal False Claims Act against the Corporation or any HHC workforce member, personnel shall consult with OLA prior to the disposal of Records that are reasonably likely to be relevant. For instance, fiscal-related Records, as well as other Records that may be used as supplemental documentation to support fiscal-related Records, may require a retention period beyond that provided in the Schedule.³⁶

XIX. RECORDS PERTAINING TO INTERNAL AND EXTERNAL AUDITS OR REQUESTS MADE BY CITY, STATE, AND/OR FEDERAL AGENCIES:

Records that are the subject of internal or external audits, or requests made by city, state and/or federal regulatory agencies or law enforcement authorities, shall be retained in a manner consistent with this OP. In all cases, such Records shall, at a minimum, be maintained until the Corporation receives the corresponding audit report or the basis for the request has been appropriately addressed.³⁷

XX. PATIENT/MEDICAL RECORDS AND HUMAN SUBJECT RESEARCH RECORDS:

- a. Required Period of Retention of Medical Records and Human Subject Research Records Under Applicable Law – The required retention period for patient Records/medical Records (“collectively hereinafter “Medical Records”), as well as human subject research Records (“Research Records”) and other materials and data related to human subjects research (together with Research Records, “Materials and Records Related to Research”) are covered under various provisions of State and Federal law, including, without limitation, New York

³⁴ State Finance Law § 192 (1).

³⁵ False Claims Act, 31 USC § 3731.

³⁶ See Letter from Geoffrey A. Huth, Director of Government Record Services, to Local Government Officials (June 15, 2011) (annexed to Appendix K), available at http://www.archives.nysed.gov/a/records/mr_pub_mil.pdf.

³⁷ See Appendix K at *Reminders*, § 6, p. xix.

State Department of Health (“SDOH”) regulations; New York Education Law; the SED regulations; U.S. Department of Health and Human Services (“HHS”) regulations; and Center for Medicare and Medicaid Services (“CMS”) Conditions of Participation.³⁸ Under these applicable laws, the period of Record retention may be based on, among other factors, any or all of the following:

- (i) As stated above, the different requirements found under applicable federal and state law (*e.g.*, SED regulations; SDOH regulations; HHS regulations; CMS regulations, *etc.*);
- (ii) The type of HHC facility that generated the Record (*e.g.*, a hospital, certified home health agency, a nursing home, a diagnostic and treatment center, *etc.*); and
- (iii) The type of provider who created the Record (*e.g.*, physician, or a nurse or other professional licensed under Title VIII of the Education Law, *etc.*).

b. Corporate Policy Regarding Retention of Medical Records and Materials and Records Related to Research – In order to maintain Records in a consistent fashion and in compliance with applicable law, the Corporation hereby adopts the following retention period with regard to Medical Records and Materials and Records Related to Research:

- (i) Unless a longer period of retention is required under this Policy including, but not limited to, the Schedule, or by applicable law, including without

³⁸ See 8 NYCRR 29.2 (a) (3) (describing the requirement that obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 years); *see also* 10 NYCRR 405.10 (a) (4) (providing that “[m]edical records shall be retained in their original or legally reproduced form for a period of at least six years from the date of discharge or three years after the patient’s age of majority [18 years], whichever is longer, or at least six years after death.”); 10 NYCRR 751.7 (j) (stating that diagnostic and treatment centers must “retain medical records for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after he/she reaches majority whichever time period is longer.”); 10 NYCRR 763.7 (c) (calling for the retention of clinical records for a period of “not less than six years after discharge” and the retention of minor records for a period “not less than six years after discharge, or three years after they reach majority [18 years], whichever is the longer period.”); 10 NYCRR 415.22. *Compare* Education Law § 6530 (32) (highlighting that “all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years and one year after the minor patient reaches the age of eighteen years.”) *with* 42 CFR 482.24 (b) (1) (stating that “[m]edical records must be retained in their original or legally reproduced form for a period of at least 5 years.”). With regard to the maintenance of Research Records *see, e.g.*, 2 CFR part 215 (OMB Circular A-110), 42 CFR 93.224, 93.305, 93.317 (collectively Public Health Service requirements for the maintenance of Research Misconduct-related records), 21 CFR 312.62 (outlining investigator record keeping and record retention responsibilities); 812.140 (providing record and report requirements related to investigation device exemptions) and 45 CFR 164.528 (accounting for disclosures of identifiable health information in the context of research).

limitation, Federal and State False Claims statutes (*see* § XVIII, *supra*), all Medical Records must, at the minimum, be retained for a period of least six years.³⁹ Further, “[o]bstetrical [R]ecords and [R]ecords of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21.”⁴⁰

- (ii) In addition to any other Federal or State requirements governing the retention of Records related to human subject research, Research Records shall, as a matter of policy, be maintained for at least seven years after the termination of a research project or one year after the youngest human subject attains age 21, or the date of the last disclosure of identifiable health information from the Research Records, if disclosures continue after all subjects have completed the study, whichever is longer.⁴¹
 - (iii) Medical Records and Materials and Records Related to Research that have met the period of retention outlined in this OP including, without limitation, the Schedule, shall be kept beyond the period of retention if they: (i) are active Records (*see* § XXVII of this Policy, *infra*); (ii) have other archival value (*see* § XXX of this Policy, *infra*); are subject to preservation (*see* § XXIII of this Policy, *infra*); (iii) are records related to government programs subject to the State or Federal False Claims Acts (*see* XVIII of this Policy, *supra*); (iv) pertain to an internal or external audit (*see* XIX of this Policy, *supra*); (v) were created before 1910 (*see* § XXIV of this Policy, *infra*); (vi) are Records related to the activities of the HHC ACO, Inc. (*see* § XXVI, *infra*); and/or (vii) are otherwise required to be kept for a longer period of retention under this Policy or applicable law.
- c. Summary of Patient-Related Records Retention Period – The Summary of Record Retention Requirements for Patient-Related Records may be found in Attachment II-a (*see* § XIII, subdivision *a*, paragraph [ii], *supra*). This summary provides an overview of the various Record retention periods that apply to patient-related Records.
 - d. Definition of Research Record – For purposes of this Policy, Research Records are defined to include, but are not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and

³⁹ *See* 8 NYCRR 29.2 (a) (3).

⁴⁰ *Id.*; *see also* Appendix K at *Additional Retention Requirement in Commissioner's Regulations*, p. xiv.

⁴¹ Arts and Cultural Affairs Law § 57.25; 8 NYCRR 185.5; Appendix K at 132; 8 NYCRR 29.2 (a) (3); *see also* 45 CFR 164.528.

publications; equipment use logs; laboratory procurement records; animal facility records; research protocols; consent forms; medical charts; and Human Subject files.⁴² Attachment II-b (*see* § XIII, subdivision *a*, paragraph [iii], *supra*) provides a summary of retention periods for Materials and Records Related to Research, which as explained in subdivision *a* of this section, *supra*, includes Research Records, as well as other materials and data related to human subjects research. Because the Schedule (*see* Attachment I) may not cover all Materials and Records Related to Research, Attachment II-b must be reviewed - in addition to Attachment I - in its entirety to determine the applicable period of retention for such records (*see* § XXIX, subdivision *a*, paragraph [ii], *infra*, for further details).

It is important to note that Materials and Records Related to Research summarized in Attachment II-b may, however, require longer retention periods than that provided for in Attachment II-b based on record retention requirements: (i) mandated by governmental or other external funding sources; (ii) found in sponsor research agreements; and (iii) found in grants.

XXI. ELECTRONIC RECORDS AND E-MAILS:

- a. Electronic Records – Unless otherwise specifically provided in this Policy including, without limitation, the Schedule, or HHC directive, electronic Records shall be treated the same as any other Record of the same type or category but found in a different format.⁴³
- b. E-mails – Unless otherwise specifically provided in this Policy including, without limitation, the Schedule, Records transmitted through e-mail communication shall have the same retention period as Records in other formats that are related to the same program function or activity.⁴⁴ E-mails may, however, be deleted or destroyed once the applicable Record retention period has been met unless further retention is required elsewhere in this Policy or by HHC directive. Like with all Records, workforce members shall follow the provisions outlined in this Policy at §§ XV, *supra*, and XXVII, XXVIII and XXIX, *infra*, to dispose of e-mails that are deemed an official or record copy (*see* § XV, *supra*, for the meaning of an official or record copy) and have met the required retention period set forth in this Policy.

⁴² HHC Operating Procedure 180-9: HHC Human Subject Research Protections Program Policies and Procedures § 26.1; 42 CFR 93.224; 45 CFR 46.102 (d); *see also* 40 CFR 26.102 (d); 42 CFR 93.103.

⁴³ *See* Appendix K at *Electronic Records*, p. xv; *see also* 8 NYCRR 185.8 (describing the retention and preservation of electronic records).

⁴⁴ *See* Appendix K at *Electronic Records*, p. xv.

- c. Electronic Records Distributed via Internet – The retention period applicable to electronic Records that are distributed through the internet is set forth in the Schedule under item number 11 in the General Section.⁴⁵

XXII. MANAGEMENT AND MAINTENANCE OF DATA STORED ON BACK-UP SYSTEMS:

- a. General Guidelines – With regard to its tape management system and corresponding retention policies, procedures, and practices (collectively referred to herein as the “Backup System”), the Corporation, through its Enterprise Information Technology Services (“EITS”) group (*see* subdivision *i*, paragraph [i] of this section), is committed to maintaining an effective Backup System that at a minimum achieves the following:
- (i) Protects data from threats such as hardware failure, software failure, accidental deletion, virus infection, theft, sabotage, and natural disasters;
 - (ii) Functions to give the Corporation the ability to recover data while permitting continuous operational use of information critical to the Corporation;
 - (iii) Provides the means to organize Corporation data, including an efficient means to access data when needed, regardless of data location or data platform; and
 - (iv) Implements appropriate preventative maintenance and system care.
- b. Purpose – In order to satisfy its business objectives and legal requirements, the Corporation’s Backup System shall be: (i) be functionally reliable; and (ii) serve to protect data, recover data, and organize data.
- c. Scope – HHC’s Backup System policies and procedures cover only information handled via computers and/or networks. As such, these policies apply to: (i) servers of all types and OS platforms and (ii) all network systems, owned and administered by HHC. These policies also apply to all platforms (operating systems) and application systems (whether developed in-house or purchased from third parties).

⁴⁵ See Appendix K at *Electronic Records*, p. xv; *see also* Appendix K at *General*, item no. 11.[11], p. 3.

- d. Categorization of HHC Corporate-wide IT Infrastructure - The Backup System policy and procedures cover the HHC corporate-wide IT infrastructure, which in general consists of various systems that can be categorized into two classes:
- (i) *Systems hosted at Enterprise Data Centers*, which include clinical applications (e.g., QuadraMed, Siemens, Ensemble, Epic, open systems, etc.), business applications (e.g., PeopleSoft, BMC, etc.), GroupWise Messaging system (E-mail and Instant Messaging), and NAS appliances providing file storage (individual, department, and application file shares) for the Enterprise user Community; and
 - (ii) *Systems hosted at Facility Data Centers*, which include Computer Operations, Infrastructure Services and other applications.
- e. Implementation Specifications for the Use and Scheduling of Data Backup – The application and scheduling of HHC’s back-up procedures are based upon HHC’s standard protection policies, which are described in subdivision g of this section, *infra*. EITS, at its discretion and consistent with information governance best practices, shall permit business application owners to select a protection policy that meets the standards of the application that requires backing-up. These protection policies may vary based upon the following criteria:
- (i) The type of hardware platform hosting system (physical/virtual);
 - (ii) The corresponding application requirements;
 - (iii) Data protection requirements; and
 - (iv) Legal/Compliance requirements.
- f. Tape Management – Tape management is a critical part of any production system and includes all tape handling functions, such as tape cycle and retention schedules, off-site storage schedules and procedures, and tape maintenance.
- (i) Tape Backup Procedure – Daily Incremental and Weekly Full backup data are stored in the HHC primary data center site, and replicated to the HHC’s disaster recovery data center site as the second copies. All data are encrypted. Selected Monthly Full backups are duplicated to encrypted tapes and sent to the third-party offsite location for longer retention based on the defined retention, and requests from the application owners. Other backup data also can be duplicated to encrypted tapes and sent to third-party location On Demand.

- (ii) Tape Cycle and Retention – All the tapes required to maintain the HHC Backup System – which may be in the thousands – shall be distributed among multiple media pools, such as daily, monthly or on demand, but not limited to these, in respective HHC data centers based on common retention and user requirements in accordance with information governance best practices, and shall be recycled based on the data retention policy.
- (iii) Tape Backup Window – EITS shall schedule back up jobs to run at scheduled intervals, such as daily, weekly, monthly, based upon the protection policy (*see* subdivision *g* of this section, *infra*) selected by application owners or on demand basis should needs arise. Unless specifically requested, the standard Tape Backup Window for protection policies shall be once a day, 3-5 days a week for Incremental jobs based on the requests from the application owners, between Sunday 12:00 PM and Friday midnight, and once a week for weekly Full backup jobs or once a month for monthly Full backups, between Friday 4:00 p.m. and Sunday 12:00 p.m.

EITS shall develop internal policies for the implementation of the Tape Back Window schedule described *supra* and may, as it deems necessary in its discretion, modify the same, in accordance or consistent with information governance best practices, to meet EITS department operational needs and the Corporation's demands. Any such modifications shall comply with subdivision *k* of this section, *infra*.

- g. Protection Policies – Protection policies are broken down into the following three distinct tiers based on data sensitivity and business criticality:
 - (i) Tier 1 – Covers very sensitive and business critical data (*e.g.*, Clinical data, GroupWise E-Mail, Microsoft SQL databases, *etc.*).
 - Clinical – daily incremental and weekly full backups are run and kept for three weeks; clinical data is sent offsite on a daily basis from the HHC Datacenter.
 - *All other system backups* follow the following three schedules:
 - 1) *Daily* – ten daily sets, rotated every two weeks;
 - 2) *Weekly* – four sets, rotated every 4 weeks;
 - 3) *Monthly* – 3 or 6 Monthly sets, rotated every three months or six months, which varies upon application.

- (ii) Tier 2 – Covers sensitive data, less critical than Tier 1.
 - Weekly – Four sets, rotated every 4 weeks.
 - Monthly – 3 or 6 Monthly sets, rotated every three months or six months, which varies upon application.
- (iii) Tier 3 – Covers all other data which does not clearly fit into Tier 1 or Tier 2.
 - Monthly – 3 or 6 Monthly sets, rotated every three months or six months, which varies upon application.
- h. Data/Tape Encryption – All Data sent offsite on tape media from HHC’s Corporate Data Center locations shall be encrypted.
- i. Responsibilities – with regard to the Backup System, EITS, HHC workforce members, and application owners shall have the following responsibilities:
 - (i) EITS – EITS is responsible for all Corporation Backup System management processes and procedures and for developing: (i) internal policies and procedures for the implementation of this section; and (ii) maintaining an internal back up schedule for all applications.
 - (ii) HHC Workforce Members – HHC workforce members are responsible for maintaining electronic Records in accordance with this operating procedure including, without limitation, § XXI, *supra*, and HHC’s Records retention schedule. HHC workforce members, through their respective senior management, are responsible for informing EITS of electronic Records that require archiving for purposes of complying with this OP.
 - (iii) Application Owners – Application owners, with the approval of their respective senior management, are responsible for informing EITS of electronic information that requires a retention period in excess of 60 days.
- j. Effect of the Issuance of a Legal Hold – In the event of the triggering of any of the preservation obligations outlined in § XXIII, *infra*, the overwriting of relevant backup media as part of the Backup System shall be temporarily suspended until EITS has collected, if required, the relevant electronic data, information, and other Records contained in the appropriate backup media and OLA has confirmed the completion of such collection. EITS shall ensure that backups can be run notwithstanding such temporary suspension.

- k. Exceptions to the Provisions in this Section – Except for the requirements found under subdivision *j* of this section, *supra*, upon the approval of the Senior Vice President charged with the oversight of the Corporation’s information systems, EITS, at its discretion and as it deems necessary for Corporate operations or to meet the business demands of the Corporation, may, in accordance with or consistent with information governance best practices, develop internal policies and procedures that supplement the provisions provided in this section so long as such policies and procedures comply with applicable law.

XXIII. PRESERVATION OF RECORDS AND SUSPENSION OF ROUTINE RECORD DESTRUCTION PROCEDURES FOR LITIGATION AND INVESTIGATORY PURPOSES

a. Definitions:

- (i) “Record” Defined – For purposes of this section of the Policy, the term “Record” shall include all information set forth in § II, subdivision *a*, *supra*, as well as all information described in subdivision *c* of the same section and any and all types of electronically stored information (“ESI”).
- (ii) Electronically Stored Information (“ESI”) Defined – For purposes of this Policy, the term “electronically stored information” (“ESI”) shall mean any e-mail messages, text messages, word processing files, spreadsheets, PowerPoint presentations, web pages, and databases created and stored on computers, magnetic disks (such as computer hard drives), optical disks (such as DVDs and CDs), and flash memory (such as “thumb” or “flash” drives), cloud based servers hosted by third parties that are accessed through Internet connections, and any type of information stored electronically or other medium from which information can be obtained regardless of whether it is in the original format.⁴⁶

- b. General Policy – All routine Record destruction practices found under the Schedule, elsewhere in this Policy or other Corporation policies shall be immediately suspended with regard to any Record under any of the following circumstances:

⁴⁶ Barbara J. Rothstein et al., Federal Judicial Center, Managing Discovery of Electronic Information: A Pocket Guide for Judges at 2 (2d ed 2012); Federal Rules of Civil Procedure rule 34 (a) (1); *see also* The Sedona Conference, Glossary: E-Discovery and Digital Information Management at 15 (Apr. 2014), available at <https://thesedonaconference.org/publications> (defining electronically stored information as “information that is stored electronically, regardless of the media or whether it is in the original format in which it was created, as opposed to stored in hard copy [i.e., on paper].”).

- (i) A memorandum (or other writing), directive or other request, whether written or oral, issued by OLA (or outside Counsel at the direction of OLA) directing a HHC workforce member(s) and/or a Corporation department(s) to preserve specified Records in their current format, as of the date of the notice, and to suspend routine Record destruction practices (“Legal Hold”, which is often referred to in as a “Litigation Hold/Preservation Notice”), initiating a Legal Hold for the purpose of complying with a legal obligation;
- (ii) A memorandum (or other writing), directive or other request, whether written or oral, issued by the OCC, HHC Office of Inspector General (“IG”) or HHC Office of Internal Audits (“Internal Audits”), directing a HHC workforce member(s) and/or a department(s) to preserve specified Records in their current format, as of the date of the request, and to suspend routine Record destruction practices during the pendency of an investigation, review, and/or audit being performed by their respective offices (hereinafter referred to as an “Investigatory Hold”). Any questions concerning such an Investigatory Hold shall be directed to the office that issued the writing, request or other directive;
- (iii) A member of the Corporation’s workforce becoming aware that a legal proceeding or government investigation concerning the Corporation (or actions taken by a workforce member on behalf of or in furtherance of his/her duties for the Corporation) is reasonably anticipated or has commenced (hereinafter referred to as a “Triggering Event” – see subdivision *f* of this section, *infra*, for examples of Triggering Events), in which case said workforce member is obligated to: (a) cease any routine Record destruction practice including, without limitation, the destruction of Records otherwise allowed under this Policy; and (b) immediately contact OLA for instructions about his/her preservation obligations;
- (iv) A member of the Corporation’s workforce becoming aware of an investigation, review, and/or audit being performed by (or scheduled to be performed by) the OCC, IG or Internal Audit, for which the workforce member: (a) has knowledge of the subject matter of said investigation, review and/or audit and it relates to their job functions and duties; (b) knows or should reasonably know that he/she is or may become a subject of said investigation, review and/or audit; or (c) has information in their possession, custody or control that may be potentially relevant or otherwise related to such investigation, review, and/or audit. Under any of these circumstances said workforce member is obligated to:

- Cease all routine Record destruction practices including, without limitation, the destruction of Records otherwise allowed under this Policy; and
 - Immediately contact the HHC office that is performing (or overseeing) the investigation, review, and/or audit at hand for instructions about his/her preservation obligations.
- c. Issuance of a Legal Hold Notice – OLA will be responsible for drafting and sending out (or causing to be issued at its discretion and with its oversight) a Legal Hold to all relevant HHC workforce members and other potential custodians when it has knowledge of a reasonably anticipated or pending legal proceeding and/or government investigation. The Legal Hold Notice - the content of which may take into consideration a host of factors including, but not limited to: (i) the data source(s) of Records; (ii) whether a data source is reasonably likely to contain relevant information; (iii) whether there is a low degree of accessibility to a data source that is likely to contain relevant information; (iv) whether substantially similar copies of relevant Records exist in a more readily available data source; and (v) whether the cost or burden to preserve a particular data source disproportionately exceeds the relevance or importance of the Records said data source may yield⁴⁷ - will set forth OLA’s legal advice and counsel as to what Records should be preserved and in what manner, date ranges of Records to be preserved, and instructions on how to preserve such Records. The effect of the Legal Hold Notice is to suspend the retention period set forth under this Policy and to preserve any Records related to the legal proceeding and/or government investigation.

Such identified Records must be retained until further instruction from the OLA regardless of the time set forth herein for such Records. In all cases, prior approval of the OLA is required before destruction or relocation of: (1) any Record involved in or related to a legal action in which the Corporation is a party or has received a subpoena; and/or (2) any Record that is subject to a Legal Hold.

If litigation has commenced, such Records must be kept for at least one year after the conclusion of the legal action (including all appeals or other judicial review)

⁴⁷ See The Sedona Conference, Commentary On: Preservation, Management and Identification of Sources of Information that are Not Reasonably Accessible at 4 and 6 (July 2008), available at <https://thesedonaconference.org/publications>; Federal Rules of Civil Procedure rules 26 (b) (2); 37 (e); *Tener v Cremer*, 89 AD3d 75, 79-80 (1st Dept 2011) (providing that “[i]naccessibility is based on the burden and expense of recovering and producing the ESI and the relative need for the data.”).

and, where the Record retention schedule, has not been met, the remainder of such time found in the Schedule.⁴⁸

- d. Collection of Electronic Records for Legal Hold Purposes – In collaboration with, guided by, and as directed by OLA (or its outside counsel), EITS shall be responsible for the preservation, collection, storage, and maintenance of all electronic data, information, and other ESI that are the subject of a Legal Hold, or are responsive to a subpoena, civil investigation demand (“CID”), government audit, or a law enforcement request. Such information shall be preserved in a manner consistent with applicable law and best e-Discovery practices. OLA shall be responsible for directing the collection process of ESI for the matters outlined above in this subdivision.
- e. The Obligation to Preserve in Current Format – Once an obligation, as set forth in paragraphs (i) and (iii) of subdivision *b* of this section, *supra*, and subdivision *f* of this section, *infra*, to preserve Records and suspend the routine destruction of Records has been triggered by circumstances causing OLA to reasonably anticipate litigation, all Records subject to such preservation must be kept in their current format, except as otherwise directed by OLA. Original Records shall not be reproduced or transformed into a different format or medium or otherwise be subjected to any process that would result in the replacement, destruction modification or altering of the original Records (*see* § XXV, *infra*).
- f. Legal Hold and Triggering Event: Guidance for HHC Workforce Members – Once a HHC workforce member receives a Legal Hold or believes that a Triggering Event has occurred obligating said HHC workforce member to suspend all routine Record destruction practices, said HHC workforce member shall preserve all information, whether in paper, electronic or other form (including, without limitation, emails, documents, data, ESI and any other type of information stored on computers, hard drives, cell phones, flash drives, CDs, DVDs, or any other medium) in HHC’s or their possession, custody and control, including but not limited to Records:
 - (i) That may be used to support, or otherwise may be relevant or potentially relevant to, the actual or reasonably anticipated claims or defenses of the Corporation or other current or future parties, in an existing or reasonably anticipated litigation;⁴⁹

⁴⁸ See Appendix K at *Legal Actions*, p. xiv.

⁴⁹ See *Zubulake v Warburg*, 220 FRD 212, 217-18 (SD NY 2003) (holding that once litigation is reasonably anticipated, a party must suspend its routine document retention/destruction procedures and put in place a ‘litigation hold’ and preserve what the party knows or reasonably should know is relevant in the action); *Convolve, Inc. v*

- (ii) That are subject to a subpoena issued by any court, attorney, law enforcement agency or a regulatory body;
- (iii) That are subject to a CID; or
- (iv) That are covered by an order of any court.

For purposes of this Policy, Triggering Events may include, without limitation, requirements found under applicable law that mandate the preservation of specific documents when litigation is reasonably anticipated or has commenced; a subpoena, CID or court order is received by a HHC workforce member covering or otherwise pertaining to Records; a summons and complaint received by a HHC workforce member that is related to his/her functions and duties as a HHC workforce member; or a HHC workforce member has knowledge of a catastrophic injurious event that involves the Corporation (or one of its workforce members performing Corporation functions and duties) and received such knowledge acting within the scope of his/her authority and where the knowledge relates to matters within the scope of that authority.⁵⁰

All HHC workforce members are responsible for contacting OLA if there are questions about whether a particular Record or specific information shall be preserved. When in doubt, personnel shall err on the side of caution and preserve any Record in question until otherwise directed.

- g. Collection of Records for Purposes of Investigatory Hold – Where appropriate, the OCC, IG, and Internal Audits may direct EITS to collect electronic Records for official Corporation investigatory and/or review purposes.
- h. Investigatory Hold – Guidance for HHC Workforce Members – Once a HHC workforce member receives an Investigatory Hold to preserve Records and suspend routine Record destruction practices, said workforce member shall follow the instructions provided in the Investigatory Hold and preserve Records accordingly. All HHC workforce members are responsible for contacting the office that issued the Investigatory Hold if there are questions about whether a particular Record or specific information shall be preserved. When in doubt,

Compaq Computer Corp., 223 FRD 162, 175-76 (SD NY 2004) (describing that the preservation obligation extends to electronic documents such as email and therefore, a party must take active steps to suspend destruction practices); *Pension Comm. Of Univ. of Montreal Pension Plan v Banc of Am. Sec.*, 685 F Supp 2d 456, 466 (SD NY 2010) (restating the standard for preservation set forth in *Zubulake* that a party must suspend its routine destruction practices and initiate a ‘litigation hold’ once the party reasonably anticipates litigation); *see also Voom HD Holdings LLC v EchoStar LLC*, 93 AD3d 33, 36 (1st Dept 2012) (following the preservation standard set out in *Zubulake*).

⁵⁰ The Sedona Conference Journal, The Sedona Conference Commentary on Legal Holds: The Trigger & the Process at 272 (Sept. 2010), available at <http://thesedonaconference.org/publications>.

HHC workforce members shall err on the side of caution and preserve any Record in question until otherwise directed. At the minimum, all e-mails shall be retained unless specifically directed otherwise by the office that issued the hold.

All Records subject to preservation must be kept in their current format, except as otherwise directed by the office that issued the investigatory hold. Original Records shall not be reproduced or transformed into a different format or medium or otherwise be subjected to any process that would result in the replacement, destruction modification or altering of the original Records unless otherwise authorized by the office that issued the Investigatory Hold.

XXIV. RECORDS CREATED BEFORE 1910: All Records created before 1910 shall not be disposed of or otherwise relinquished without the prior written approval of the State Archives.⁵¹ Requests for the disposal/relinquishment of such Records must be directed to the OCC.

XXV. RECORDS THAT HAVE BEEN MICROFILMED OR ELECTRONICALLY DUPLICATED: Arts and Cultural Affairs Law § 57.29 governs the retention and disposition of Records that have been duplicated electronically or by means of microfilm.⁵² Under § 57.29, a Record may be reproduced by any means that “accurately and completely reproduces all the information in the [R]ecord.”⁵³ The original of the reproduced Record may subsequently be disposed of notwithstanding the retention period set forth in the Schedule “provided that the process for reproduction and the provisions made for preserving and examining the copy meet requirements established by the [C]ommissioner of [the New York State Education Department].”⁵⁴ Section 57.29 further provides that appropriately reproduced copies are deemed to be originals “for all purposes, including introduction as evidence in proceedings before all courts and administrative agencies.”⁵⁵

Under SED regulations,⁵⁶ specific procedures must be followed and/or implemented prior to replacing original Records with microfilms or electronic images. Further, original Records may be subject to a Legal Hold or may be otherwise required to be retained in their original form by legal necessity. As such, no original *official* copy of a Record may be replaced by means of microfilms or electronic imaging and subsequently destroyed without the prior: (i) approval of OLA; and (ii) consultation with EITS (or pursuant to EITS policy or directive).

⁵¹ See Appendix K at *Records Created Before 1910*, p. ix; see also 8 NYCRR 185.6 (c).

⁵² See Appendix K at *Records That Have Been Microfilmed or Electronically Duplicated*, p. xv; see also Arts and Cultural Affairs Law § 57.29.

⁵³ Arts and Cultural Affairs Law § 57.29.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See 8 NYCRR 185.7, 185.8.

XXVI. HHC ACO, INC. RECORDS: All Records of the Corporation’s subsidiary Accountable Care Organization - HHC ACO, Inc. (hereinafter the “ACO”) - must be maintained and disposed of as set forth in this OP including, without limitation, the Schedule. Additionally, notwithstanding anything stated in this OP to the contrary, all ACO Records, including any book, contract, document, or any other tangible source of information (such as documents or data related to Medicare utilization and costs, quality performance measures, shared savings distributions, and other financial arrangements related to ACO activity) that may reasonably be likely to be part of an audit, evaluation, investigation and inspection of the ACO’s compliance with (i) the Medicare Shared Savings Program (the “Program”) requirements; (ii) quality of services performed; (iii) right to any shared savings payment; (iv) obligation to repay losses; (v) ability to bear the risk of potential loses; and (vi) ability to repay any losses to CMS, must be maintained for a minimum period of ten years from the termination of the ACO’s agreement to participate in the Program, or from the date of completion of any audit, evaluation, investigation or inspection, whichever is later,⁵⁷ except as follows:

- a. CMS Determination of Special Need – Where CMS has determined that a Record(s) requires a longer period of retention than outlined above and provides the ACO with at least 30 days’ notice before the subject Record’s normal disposition date;⁵⁸ and
- b. The Termination, Dispute, or Allegation of Fraud or Similar Fault against the ACO – Where there has been a termination, dispute, or allegation against the ACO, its ACO provider/suppliers, or other individuals or entities performing functions or services related to ACO activities, the ACO must maintain Records for an additional six years (from the period first outlined in this section, *supra*) from the date of any resulting final resolution of the termination, dispute or allegation of fraud or similar fault.⁵⁹

⁵⁷ 42 CFR 425.314 (b) (providing, in pertinent part, that all records “sufficient to enable the audit, evaluation, investigation and inspection of the ACO’s compliance with program requirements, quality of services performed, right to any shared savings payment, or obligation to repay losses, ability to bear the risk of potential loses, and ability to repay any losses to CMS”, must be maintained “for a period of ten years from the final date of the agreement period or from the date of completion of any audit, evaluation or inspection, whichever is later . . .”).

⁵⁸ *Id.* at 425.314 (b) (2) (i).

⁵⁹ *Id.* at 425.314 (b) (2) (ii) (requiring that where “[t]here has been a termination, dispute, or allegation of fraud or similar fault against the ACO, its ACO participants, its ACO providers/suppliers, or other individuals or entities performing functions or services related to ACO activities” that “ACOs must retain records for an additional 6 years from the date of any resulting final resolution of the termination, dispute, or allegation of fraud or similar fault.”).

XXVII. DESTRUCTION OF RECORDS THAT HAVE MET RETENTION REQUIREMENTS:

- a. Active Records⁶⁰ – Active Records are those that need to be filed for easy retrieval and frequent use. Active Records must be maintained for as long as they support HHC’s current business functions, even after the required retention period has expired.

- b. Destruction of Inactive Records⁶¹ – The New York State Archives defines an “inactive record” as a record accessed infrequently (for paper records, less than once a month per file drawer) but that is not ready for disposition.⁶² Plans to destroy all inactive HHC Records, including, among other Records, confidential and sensitive Records, must be developed and undertaken once the relevant required legal period of retention has been satisfied except under the following circumstances:
 - (i) Further retention is required under this OP or another HHC OP or policy;
 - (ii) Further retention is required under applicable law or regulatory guidance;
 - (iii) Further retention is required for legitimate business purposes;
 - (iv) Further retention is required under a contract, agreement or stipulation to which HHC is a party;
 - (v) Further retention is required as part of a condition for HHC to receive grant funds;
 - (vi) Further retention is required as part of a condition of participation in the Medicaid or Medicare programs; or
 - (vii) Further retention is required because the Records in question have significant historical, clinical, legal, operational, financial, research, employment/labor-related or other special value.

- c. Inactive Confidential and/or Sensitive Records – With regard to inactive confidential and/or sensitive Records that have met the Record retention schedule

⁶⁰ See New York State Archives, Archives Technical Information Series Pub. No. 42, Guidelines for Off-Site Storage of Inactive Local Government Records at 1 (rev. 2006) (defining active records as “those that need to be filed for easy retrieval and frequent use ...”) http://www.archives.nysed.gov/a/records/mr_pub42.pdf.

⁶¹ See *id.* (defining inactive records as “those that have served the immediate purpose of their creation and are no longer needed frequently”; generally, “inactive records are those that are used less than four times per year.”).

⁶² Inventory and Planning: The First Steps in Records Management at 33.

requirements, HHC facilities and Central Office units shall periodically assess and document whether there is a continued need to store such Records as provided for under subdivision *b, supra*, of this section. Once such need has elapsed, the Records shall be promptly destroyed. Corporate facilities and affected central office units shall create and adopt internal policies to facilitate the implementation of this provision.

XXVIII. RECORDS DISPOSAL PROCEDURE: HHC Records that have surpassed the retention requirements outlined in the Schedule (*see* § XIII, subdivision *a*, paragraph (i), *supra*) and are not subject to any of the other retention provisions enumerated in this OP, are eligible for destruction and, accordingly, shall be disposed of pursuant to this section. The Schedule is annexed hereto as Attachment I.

To initiate the disposal of eligible Records, the following is required:

- a. Completion of the Front Page of the HHC Application and Authorization for Records Disposal (HHC 2845 (05/15)) Form (hereinafter “Application”) – The Facility Department Head or Cost Center Manager (if a Central Office unit is submitting the Application) must complete the front page of the Application. Data required for completion of the front page of the Application includes: the Schedule item number; Schedule section heading; Record title (per the Schedule); inclusive dates; quantity of Records; and type of Records. Once the required data has been noted in the Application, the Application and any supporting documentation must be forwarded to the Facility RMO or, if the Application is from a Central Office unit, to the Corporate RMO.
- b. Review of Application – The Facility RMO or Corporate RMO (as appropriate) must review the Application and verify that disposal (destruction) is appropriate given the types of Records and the length of time the Records have been held. Upon concurrence, the Facility or Corporate RMO shall sign where indicated on the back page of the Application. The Application and any supporting documentation must then be submitted to the responsible Executive Director or Senior Vice President for approval.⁶³
- c. Approval of Application by Executive Management – The responsible Executive Director or Senior Vice President shall review the Application and supporting documentation. If the Application is approved, the executive shall sign the form where indicated and forward the Application to the Corporate RMO.⁶⁴

⁶³ Central Office Cost Center Managers who are direct reports to the President and Chief Executive Officer shall submit their requests to the Executive Vice President of Corporate Operations or the President’s Chief of Staff.

⁶⁴ *See id.*

- d. Review by the Corporate RMO before Submission to the OLA – Upon receipt of the Application, the Corporate RMO shall review the Application to ensure that it has been properly completed and shall forward the properly completed Application to OLA.
- e. Approval as to Legal Form by the OLA – OLA shall determine if any HHC Record eligible for disposal must be held. OLA shall strike any Record from the Application that must be held or otherwise retained. Thereafter, OLA shall return the signed Application with its deletions, if any, to the Corporate RMO.
- f. Authorization of Disposal by the Corporate RMO – Upon receipt of the Application accepted by OLA, the Corporate RMO shall review and sign the Application. The Corporate RMO shall then return the original Application to the Facility RMO or Central Office Cost Center Manager.
- g. Certification of Destruction of Records – The individual who witnesses the destruction of the Records must certify on the Application that the records were destroyed. The witness must also note the date the Records were destroyed and the method used to destroy them. If a vendor is used to destroy Records, written confirmation of such destruction must be obtained. The Facility RMO or, where the destruction of Central Office Records are involved, the Central Office Cost Center Manager, shall be responsible for ensuring compliance with this subsection. A copy of the certificate must be provided to the Corporate RMO.
- h. Permanent Record of Disposal Activities – The Facility RMOs and Central Office Cost Center Managers are required to maintain a permanent Record of the identity, inclusive dates and volume of all disposed Records. In the destruction (disposal) of Records, particular attention is required to ensure HHC Records are destroyed in a manner which: (i) maintains confidentiality; and (ii) is in accordance with this and other OPs, including, without limitation, all OPs concerning HIPAA privacy and security.

XXIX. INSTRUCTIONS FOR COMPLETING THE HHC APPLICATION AND AUTHORIZATION FOR RECORDS DISPOSAL (HHC 2845 (05/15)) FORM:

- a. Instructions – These are the steps that must be followed to complete the Application.
 - (i) Before completing the Application, the Schedule section that corresponds to the Records for which disposal is sought must be determined.
 - (ii) Once the appropriate Schedule section is determined, the Schedule item number that best describes the Records for which disposal is sought must be determined. Note that, many of the Schedule items are broad and

describe the purpose or function of the records rather than identifying individual documents and forms.⁶⁵ As such, HHC workforce members should match the Records in their offices with the generalized descriptions on the Schedule to determine appropriate retention periods.⁶⁶ Records whose content and function are substantially the same as an item described in the Schedule should be considered to be covered by that item.⁶⁷

It is important to highlight that, where HHC workforce members have combined related types of Records, covered by different Schedule items, into a single file series, it may be impractical to separately apply the retention periods of the various applicable schedule items to the individual records in the file.⁶⁸ Under these circumstances HHC workforce members may dispose of the entire set of records by using the applicable retention item with the longest retention period.⁶⁹

If Materials and Records Related to Research are being reviewed for disposition, then Attachment II-b of this Policy must be reviewed in its entirety in addition to the Schedule to determine the applicable period of retention for such records (*see* § XX, subdivision *d, supra*).

- (iii) The Schedule item number, Schedule section heading, Record title, inclusive dates, quantity of Records, and type of Records must then be noted in the appropriate columns on the Application. The “Quantity of Records” may be expressed in boxes, file folders, individual files or any other recognizable unit. Under “Type of Records” the Records’ format (paper, electronic, *etc.*) must be noted.
- (iv) In addition to the required information noted above, any remarks pertaining to the Records for which disposal is requested may be made in the Remarks and Attachments section on the back of the Application.

⁶⁵ Appendix K at *Interpreting Schedule Items*, p. xiii.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

- b. Example – The chart below illustrates how the Application must be completed. Each type of document must be separately noted on the form.

| Schedule Item # | Schedule Section Heading | Record Title | Inclusive Dates | Quantity of Records | Type of Record <i>(e.g., paper or electronic)</i> |
|--------------------|-----------------------------|--------------|------------------------|------------------------|--|
| 3 [312] | Personnel/Civil Service | Personnel | 1/1/2005 12/31/2006 | 50 boxes | Paper |

As stated in subdivision *a*, paragraph (iv) of this section, *supra*, additional information may be provided in the “Remarks and Attachments” section on the back of the form. Additionally, submissions may be accompanied by explanatory attachments where necessary. If an attachment is used, the appropriate box in the “remarks and Attachment” section of the form must be checked. Please note that the inclusion of an attachment to further detail the disposal being sought is optional unless: (i) the same is requested by the Facility RMO (Corporate RMO for Central Office requests); (ii) the request is for the destruction of Medical Records or entire employee files (or similarly situated Records/files), in which case further details such as the names of the subject of the files and their first and last treatment dates (patients) or dates of service (employees) should be included; (iii) the request involves Records presently being stored offsite by a document storage vendor, in which case the name and address of the vendor, the storage box identification/reference number(s) (or bar code), and the dates of storage should be included; and/or (iv) further clarification is reasonably required to facilitate the disposal request.

The submission of any supporting documents to the Facility RMO or Corporate RMO shall be done in a confidential and secure manner when it includes protected health information, private information or any other confidential or sensitive information. Once the front page of the Application has been completed by the Facility Department Head or Central Office Cost Center Manager, the Application, along with any supporting attachments, must be forwarded to the appropriate parties for their signatures (*see* § XXVIII, *supra*).

When disposing of research-related Records, HHC workforce members shall complete the Application according to the example provided below if the Records to be disposed of are not found under the Schedule (*see* Attachment I):

| Schedule Item # | Schedule Section Heading | Record Title | Inclusive Dates | Quantity of Records | Type of Record (<i>e.g.</i> , paper or electronic) |
|-----------------|---------------------------------|----------------------|------------------------|---------------------|--|
| N/A | Research Misconduct Proceedings | Investigation report | 1/1/2005 12/31/2006 | 50 boxes | Paper |

If the Records are not found in the Schedule, the section under ‘Schedule Item #’ must remain blank. The ‘Schedule Section Heading,’ shall correspond to the type of Record listed under the ‘Record’ column in the Summary of Record Retention Requirements for Materials and Records Related to Research, Attachment II-b, *infra*. Accordingly, the ‘Record Title’ section of the Application will give a brief description of the Record, which can be found under the ‘Description’ column of Attachment II-b. The remaining sections in the Application shall be completed in the same manner described in subdivision *a* and *b* of this section, *supra*.

XXX. HISTORICALLY SIGNIFICANT/ARCHIVAL RECORDS:

- a. Historically Significant/Archival Records – Historical Records, which are also referred to as archival Records or Records of enduring value (hereinafter “historical Records” or “archival Records”), are Records that are kept permanently because of their long-term research use and/or their intrinsic qualities.⁷⁰ These Records “are worthy of continuing preservation because of their on-going administrative, legal, fiscal and historical value.”⁷¹ A document is historically significant if it provides important evidence of how HHC conducts its business, and/or if the Record provides significant information about people,

⁷⁰ See New York State Archives, Managing Records, Historical Records, http://www.archives.nysed.gov/a/records/mr_hrecords.shtml (accessed July 24, 2014); *see also* Warren F. Broderick, New York State Archives, Archives Technical Information Series Pub. No. 36, Intrinsic Value of Local Government Archival Records at 1 (rev. 2002).

⁷¹ Gloria A. Bartowski, New York State Archives, Local Government Records Technical Information Series Pub. No. 40, Fundamentals of Managing Local Government Archival Records at 1 (1995) (providing that archival records are “worthy of permanent retention because of continuing importance of the information they contain for administrative, legal, fiscal and historical value.”), http://www.archives.nysed.gov/a/records/mr_pub40.pdf; *see also* 8 NYCRR 185.1 (c) (defining records of enduring value as “those records worthy of permanent retention and special administration because of the importance of the information they contain for continuing administrative, legal, or fiscal purposes, or for historical or other research.”).

places, or events in the HHC medical community. Significance depends on (i) when the Records were created; (ii) the information contained in the Records; (iii) the party who created the Records; and (iv) the uniqueness of the Record and/or the information.⁷² For example, medical case Records of hospital patients that might otherwise be destroyed 10 years after death or discharge may have a permanent value as an historical document if the Records can be used to research the spread of communicable diseases such as AIDS and tuberculosis.⁷³ Even Records that are recent may be valuable because they are scarce. For example, if most of the Records from a certain period have been destroyed in a fire, a flood, or through disposal, then the Records that survive tend to be significant.

- b. Appraisal of Records for their Historical Value – All Records that have met the period of retention set forth in the Schedule must be assessed (*see* subdivision c, *infra*, of this section) by the requisitioning Facility or Central Office Unit for potential historical value before their destruction is approved. Whenever possible, Records scheduled for destruction should be appraised as a series and not as individual documents.⁷⁴ A Record series is a group of Records that result from the same activity. Since the Records in each series should be managed together, filed together, indexed together, and disposed of together, they should also be appraised together.

- c. Assessment Criteria – In determining the historical significance of HHC Records, the following factors must be considered:⁷⁵
 - (i) When the Records were created: including the period, scarcity of the Record, age of the Record, and the duration of the period covered by the Records;
 - (ii) Why the Records were created: including the office that created the Record, the principal functions of the office that created the Records, and whether the Records document the principal functions of the office that created the Record;
 - (iii) What the Records pertain to: including whether the Records cover important events or activities and whether the Records are an important source of information on the topic they cover;
 - (iv) Who created the Records: including the official position of the person who created the Records, whether the Records reflect a routine or an individual

⁷² NY State Archives, Appraisal of Local Government Records for Historical Value at 7.

⁷³ *Id.* at 6.

⁷⁴ *Id.* at 7.

⁷⁵ *Id.* at 8.

point of view, whether the Records' creator was personally involved in the events recorded, whether the creator had the necessary expertise to understand the events recorded, and whether the Records' creator exhibited bias.

- d. Guidance from the New York State Archives – Attached (*see* Attachment IV) to this OP is guidance on historical Records from the SED State Archives and Records Administration titled “Appraisal of Local Government Records for Historical Value.”⁷⁶ Facilities and Central Office Units may use this guidance to assist them in assessing whether a particular Record has historical value.

XXXI. RECORDS DAMAGED BY DISASTERS: Records damaged by disasters – whether manmade or natural – may be disposed of prior to the end of the retention period found in the Schedule where such Records have been “substantially destroyed or obliterated or the Records constitute a human health or safety risk.”⁷⁷ All requests to destroy such Records must be submitted to the OCC. The OCC shall obtain prior approval from the Commissioner of the SED before authorizing the disposal of such Records.⁷⁸

XXXII. MANAGEMENT OF RECORDS FROM CLOSED FACILITIES:

- a. Pre-Closure Records Management Requirements – Pursuant to New York State Department of Health (“SDOH”) regulation and published guidance, no HHC acute care hospital, nursing home, D&TC, clinic facility (collectively “HHC facility”) may discontinue its services, relinquish its operating certificate or otherwise close without the written approval of the Commissioner of SDOH.⁷⁹ Such approval will be conditioned on, among other things, the establishment of facility closure plan that includes the closing HHC facility’s plan for the maintenance, storage and safekeeping of its patients’ medical Records.⁸⁰ The

⁷⁶ NY State Archives, Appraisal of Local Government Records for Historical Value at 8; *see also* § XIII, subdivision a, (iv), *supra*.

⁷⁷ 8 NYCRR 185.6 (b).

⁷⁸ *See id.*

⁷⁹ *See* 10 NYCRR 401.3 (i); *see also* New York State Department of Health, Facility Closure Plan Guidelines, *General Information*, http://www.health.ny.gov/facilities/adult_care/dear_administrator_letters/acf_closure_guidelines.htm (accessed Oct. 27, 2014); New York State Department of Health, Nursing Home Closure Guidelines, DQS/DAL No. 06-13 (Aug. 7, 2006), http://www.health.ny.gov/professionals/nursing_home_administrator/docs/dal_06-13_nursing_home_closure_guidelines.pdf (accessed Oct. 27, 2014).

⁸⁰ 10 NYCRR 401.3 (i) (stating that “[n]o medical facility shall discontinue operation or surrender its operating certificate . . . without first obtaining the commissioner’s written approval of a plan for the maintenance, storage and safekeeping of its patients’ medical records. The plan shall provide adequate safeguards for these records, make them accessible to the patients and their physicians, and may provide for their ultimate disposition.”); *see also* SDOH Facility Closure Plan Guidelines, *General Information*.

plan shall provide adequate safeguards for these Records, make them accessible to the patients and their physicians, and may provide for their ultimate disposition.⁸¹

- b. Procedures for Managing Records from Closed Facilities – In the event that an HHC facility obtains the requisite SDOH approval (as outlined in subdivision *a*, *supra*) to discontinue its operations and thereafter initiates the corresponding closure process, all Records from the closing HHC facility including, without limitation, medical, billing, business, and employment Records, must be appropriately secured, preserved, and transferred to either a receiving equivalent facility, or an approved off-site storage location that allows for the lawful access of such Records and, pursuant to this section, *infra*, maintains the confidentiality and security of such Records. Additionally, such Records must also meet any additional maintenance, storage, and security requirements set forth in the SDOH-approved closure plan.
- c. Responsibilities – The Executive Director (and/or his/her designee) charged with administrative oversight of the closing HHC facility is responsible for coordinating the secure storage, transfer, and preservation of all the subject facility’s Records. Such coordinating efforts shall be conducted in conjunction with the respective closing (and, where applicable, receiving) facility’s Regional Security Officer (“RSO”), facility RMO, facility Privacy Officer (“FPO”), Health Information Management (“HIM”) Department, Human Resources (“HR”) department, Finance department, and any other relevant facility department, unit head, or Chief of Service, responsible for the Records at the facility planned for closure. Additionally, the Corporate RMO shall be informed and consulted with regard to the aforementioned efforts. All HHC facilities shall develop internal policies and procedures to comply with this subdivision and § XXXII of this OP.
- d. Retention and Disposal of Records Originating from Closed Facilities – Records, regardless of format or medium, originating from any facility scheduled for closure must follow the same retention guidelines as set forth in this OP, including the Schedule. Additionally, the following Record retention and disposal guidelines must be followed:
 - (i) Patient/Medical Records – Patient Records from closed facilities should be assessed to determine if they have met their required period of retention pursuant to the Schedule and the other provisions of this OP. Those patient Records that have exceeded the time periods outlined in the Schedule and the other provisions hereof may be disposed of in accordance with the terms set forth in of §§ XXVII, XXVIII, and XXIX,

⁸¹ 10 NYCRR 401.3 (i).

supra (in the case of any computer equipment storing patient Records or any other form of protected health information (“PHI”) including, but not limited to, personal computers, fax machines, copiers, printers, *etc.*, the corresponding disposal and media reuse procedures must comply with OP 250-15, *HIPAA SECURITY POLICY-DEVICE AND MEDIA CONTROLS*), provided that such Records from the closed facility are retained for at least three years after said closure.⁸²

- (ii) Non-patient Records and Fiscal/Statistical Reports – Non-patient Records, as well as fiscal and statistical reports filed by the closed facility with DOH (including underlying books, Records and documentation), shall be retained for at least seven years after the closure of the facility and seven years from the date of filing (or the date upon which they were to be filed), respectively, or as required by the Schedule or the terms of this OP, whichever is later.⁸³

XXXIII. STORAGE OF RECORDS ONSITE OR AT FACILITIES MAINTAINED BY THIRD PARTY VENDORS:

- a. Storage of HHC Records – Unless otherwise provided for in subdivision *c* of this section XXXIII, *infra*, all HHC Records, regardless of form, must be appropriately and securely kept and stored onsite at an HHC-operated facility.⁸⁴
- b. Onsite Storage of Records – All HHC Records, and in particular active Records (*see* § XXVII, subdivision *a*, *supra*), shall be maintained within a system that allows for the easy and timely access of Records and ensures that such Records are properly maintained and preserved.⁸⁵ There are three key factors to consider when storing Records onsite: (i) organization; (ii) environmental conditions; and (iii) security.

⁸² See SDOH Facility Closure Plan Guidelines, *General Information*; *see also* SDOH Nursing Home Closure Guidelines.

⁸³ See SDOH Facility Closure Plan Guidelines, *General Information* (providing that “facility records shall be retained for seven years” post closure); *see also, generally*, 10 NYCRR 86-2.7 (providing that “[a]ll underlying books, records and documentation which formed the basis for the fiscal and statistical reports filed by the residential health care facility with [DOH], shall be kept and maintained by the facility for a period of time not less than six years from the date of filing, or the date upon which the fiscal and statistical records were to be filed, whichever is the later date.”).

⁸⁴ See Arts and Cultural Affairs Law § 57.31 (requiring that “[a]ll local government records shall be kept in secure facilities maintained by the local government unless the consent of the commissioner of education is obtained to the transfer and storage elsewhere.”).

⁸⁵ See *generally* 42 CFR 482.24 (b); *see also, generally*, Centers for Medicare and Medicaid Services, State Operations Manual Appendix A, Survey Protocol, Regulations and Interpretive Guidelines for Hospitals §482.24 (b) (1-2); *see also, generally*, New York State Archives, Managing Records, Storage and Preservation, http://www.archives.nysed.gov/a/records/mr_storage.shtml (accessed Oct. 28, 2014).

(i) Organization – A well-structured filing system is critical to enabling easy access to any Records that the staff or patients may need. The New York State Archives has simple guidelines to making your Records accessible:

- Set up an organized and uniform filing and indexing system to enable easy retrieval of Records;
- File electronic Records in a manner that reflects your paper filing system;
- Allocate adequate space and purchase appropriate filing equipment; and
- Develop a file plan and detailed procedures for retrieval and refiling.

(ii) Environmental Conditions – All Records should be stored onsite in “a clean, secure, and stable environment.”⁸⁶ Additionally, environmental factors such as temperature, humidity and protection from ultraviolet light shall be considered when planning for the onsite storage of Records.⁸⁷ The New York State Archives provides the following guidelines regarding “ideal conditions for most types of [R]ecord formats ...”⁸⁸

- Temperature between 65-70° F, with fluctuations of no more than 2 degrees;
- Relative humidity at 35-45%, with fluctuations of no more than 5%;
- Protection from ultraviolet (UV) light, air pollutants, and vermin; and
- Protection from damage, disaster (*e.g.*, water, fire), and theft.

The RRC shall develop policies and procedures as to the requisite environmental conditions for temperature, humidity, protection from ultraviolet light, and other relevant factors for the onsite storage of paper, electronic, and other forms of Records.

(iii) Security – Records maintained onsite require administrative, technical and physical safeguards to protect their confidentiality⁸⁹. CMS and New York

⁸⁶ New York State Archives, Managing Records, Storage and Preservation, *Proper storage environment*, http://www.archives.nysed.gov/a/records/mr_storage.shtml (accessed Oct. 28, 2014).

⁸⁷ *See id.*

⁸⁸ *Id.*

⁸⁹ *See generally* 42 CFR 482.24 (b) (3); *see also* CMS State Operations Manual § 482.24 (b) (3).

State Archives have promulgated the following guidelines for maintaining effective security and, where applicable, the confidentiality of Records:

- Access to storage areas must be limited to only authorized persons;⁹⁰
- Storage areas must have secure locks, fire suppression, and security systems. Records shall be stored securely and should be maintained in locations protected from “damage, flood, fire, etc., and limits access to only authorized individuals;”⁹¹ and
- Regular site assessments should be conducted to assess how vulnerable the storage areas are to disasters.⁹²

c. Outsourcing of Record/Data Storage

- (i) OLA Approval Required – Any agreement between HHC and a third party vendor for the outsourcing of data storage involving HHC Records must be approved by OLA as to form.
- (ii) EITS Approval Required – In addition to OLA’s approval, the approval of EITS is required if the Records being stored include electronic Records, including without limitation, e-mails, back-up tapes, voicemails, and all other forms of electronic Records, whether or not cloud computing, virtualization, hosting, and data vaulting are used to store such electronic Records.⁹³
- (iii) Approval by the Commissioner of SED – Any agreement between HHC and a third party vendor for the offsite storage of data must be approved by and must meet the criteria established by the Commissioner of SED.⁹⁴
- (iv) Third-Party Storage Contracts/Agreements - All contracts and/or other agreements for the third-party storage of HHC Records shall at the minimum address the following:⁹⁵

⁹⁰ See generally 42 CFR 482.24 (b) (3); see also CMS State Operations Manual § 482.24 (b) (3).

⁹¹ CMS State Operations Manual § 482.24 (b); see also NY State Archives, *Proper storage environment*.

⁹² See NY State Archives, *Proper storage environment*.

⁹³ See 8 NYCRR 185.9; see also New York State Archives, Managing Records, Records Advisory: Using a Data Storage Vendor, *Outsourcing data storage*, http://www.archives.nysed.gov/a/records/mr_data_storage.shtml.

⁹⁴ See 8 NYCRR 185.9 (which mandates that any agreement for storage of local government records in facilities that are not owned or maintained by that government entity must “meet criteria established by the commissioner and must be approved by the commissioner.”).

- **List and Description of the Records** – Including the name of the Records series; inclusive dates; quantity/volume (number of volumes or boxes, cubic footage); type (files, bound volumes, computer disks or tapes, microfilm rolls); and physical condition of the Records.
- **Security** – Including the responsibility of the facility for their physical, administrative and technical security and custody; environmental conditions at the facility; and maintenance of confidential materials.
- **Storage Features** – Including temperature and humidity controls; fire detection and suppression systems; and special storage for microfilm, computer disks, or magnetic tapes.
- **Services** – Including periodic access and temporary retrieval of Records by HHC.
- **Location** – The storage facility’s proximity to HHC.
- **Costs** – Including storage costs; the cost of pulling particular Records and transporting them back to HHC, if necessary; and the cost of special services such as storage of microfilm or computer tape.

XXXIV. FREEDOM OF INFORMATION LAW REQUESTS: Notwithstanding the retention periods set forth in the Schedule, any Record that is the subject of an existing Freedom of Information Law request (“FOIL”) shall not be destroyed until: (i) a response to the subject request has been officially issued by the Corporation; and (ii) all potential appeals related to a specific FOIL request are exhausted.⁹⁶

XXXV. DISPOSITION OF EMPLOYEE DISCIPLINARY, INVESTIGATIVE AND PERFORMANCE EVALUATION RECORDS: Notwithstanding anything found in the Schedule to the contrary, Records or portions thereof relating to employee disciplinary, investigative and performance evaluation information may be disposed of, or specific information may be removed therefrom, before the retention period set forth in the Schedule is met where such disposition or removal is based on a provision of a collective bargaining agreement in effect between the Corporation and a public employee labor organization,⁹⁷ or if specified in a union contract or settlement between the Corporation and the individual.

⁹⁵ See NY State Archives, Guidelines for Off-Site Storage of Inactive Local Government Records.

⁹⁶ See Appendix K at *Reminders*, § 5, p. xix.

⁹⁷ See 8 NYCRR 185.6 (d).

XXXVI. APPLICABLE LAW PREVAILS: Notwithstanding any provision of this OP to the contrary, all Records must be kept at the minimum for the retention period set forth under applicable law as it pertains to the particular type of Record that is the subject of retention. Thus, if applicable law calls for a longer period of retention than provided under this OP, then applicable law shall prevail. If applicable law calls for a shorter period of retention than set forth in this OP, the retention period outlined in this OP must still be followed. OLA shall be contacted for guidance if an apparent conflict between this OP and applicable law arises that cannot be resolved by applying the more stringent Record retention period.

XXXVII. QUESTIONS REGARDING THE APPLICATION OF THIS OP: Any questions regarding the application or interpretation of this OP may be addressed to the OCC by phone, e-mail, facsimile, or mail as provided in § XXXVIII below.

XXXVIII. REPORTS OF NONCOMPLIANCE: Reports of noncompliance with this OP shall be immediately communicated to the Office of Corporate Compliance by phone, e-mail facsimile, or mail as follows:

**New York City Health and Hospitals Corporation
Office of Corporate Compliance
Attn.: Corporate Records Management Officer
160 Water Street, Suite 1129
New York, NY 10038
Telephone: (646) 458-7799
Facsimile: (646)-458-5624
E-mail: COMPLIANCE@nychhc.org
Confidential Compliance Helpline: 1-866-HELP-HHC (1-866-435-7442)**

XXXIX. FUTURE POLICIES/DEVIATION FROM THIS OP: The creation of future policies or procedures concerning Record management shall not supersede this OP unless the author of such policies and procedures has consulted with the OCC regarding the implementation of the same and such preemption is: (i) in compliance with the requirements outlined in §§ XIV and XVI, *supra*, of this OP; (ii) consistent with applicable law; (iii) clear and unequivocal and specifically references this OP by name; and (iv) has been approved by the President.

XL. EFFECTIVE DATE: This Policy shall become effective immediately as of the date first written above and shall remain in effect until explicitly modified or suspended by the President as provided in § XXXIX hereinabove.

ATTACHMENT I

**NEW YORK CITY HEALTH AND HOSPITALS CORPORATION
RECORDS RETENTION AND DISPOSAL SCHEDULE¹**

Revised June 2, 2014

¹ This Schedule and the items contained therein are adopted and duplicated from 8 NYCRR § 185.14 (Appendix "K") except for those items found in Appendix "K" that do not apply to HHC. These excluded items are as follows: Community College, Community Development/Urban Renewal, Cooperative Extension Association, Economic/Industrial Development, Educational Opportunity Center, Election, Environmental Management, Heritage Area (Urban Cultural Park), Library/Library System, Local Development Corporation, Museum, Off-Track Betting Corporation, Port Facility, Regional Market Authority, Soil and Water Conservation District, Transportation and Engineering, and Youth Services.

TABLE OF CONTENTS

Introduction..... v

How to Use Schedule MI-1 v

 New or Revised Items..... v

 Unique Item Numbering System v

 Interpreting Schedule Items..... v

 Records That Have an Unclear Period of Retention..... v

 The “Official” Copy of a Record..... vi

 The Record Form or Medium..... vi

Records Descriptions and Retention Periods..... 1

General..... 1

Archives/Records Management 10

Attorney or Counsel 12

Building and Property Regulation..... 13

 Building/Property History Systems 13

 Building and Construction (Regulation and Inspection)..... 15

 Planning 18

 Zoning 21

Disaster Preparedness..... 23

Electric and Gas Utility..... 24

Electronic Data Processing..... 27

 General Administration 27

 Systems and Application Development 28

 Computer Operations and Technical Support 29

 Data Administration..... 34

 User/Office Automation Support..... 34

 Network/Data Communication Services..... 35

 Internet Services..... 36

Energy..... 37

Environmental Health 38

 Animal Industry and Veterinary Medicine..... 38

 Miscellaneous 38

 Environmental Facilities: General 40

 Environmental Facilities: Public Water Supply 44

 Environmental Facilities: Wastewater Treatment 47

 Environmental Facilities: Solid Waste Management Facilities 50

Executive, Manager, and/or Administrator..... 55

Fiscal..... 56

 Audit..... 56

 Banking and Investment 56

 Bonds and Notes 57

| <u><i>Schedule MI-1</i></u> | <u>General</u> |
|---|----------------|
| Budget | 58 |
| Claims and Warrants..... | 59 |
| General Accounting and Miscellaneous..... | 60 |
| Payroll | 63 |
| Purchasing..... | 66 |
| Reports..... | 68 |
| Human Rights/Economic Opportunity..... | 69 |
| Insurance..... | 70 |
| Miscellaneous..... | 72 |
| Personnel/Civil Service..... | 76 |
| Personnel..... | 76 |
| Civil Service..... | 84 |
| Public Access to Records | 89 |
| Public Employment and Training | 90 |
| Public Health | 91 |
| General | 91 |
| Fiscal | 91 |
| Facility and Patient Services..... | 92 |
| Patient Case Records and Related Materials..... | 95 |
| Laboratory | 98 |
| Radiological Health | 103 |
| Miscellaneous | 105 |
| Public Property and Equipment | 110 |
| Public Safety | 125 |
| E-911 and Related Records | 125 |
| Computer-Aided Dispatch..... | 127 |
| Public Safety: General | 129 |
| Emergency Medical Services | 133 |
| Fire Fighting and Prevention | 135 |
| Law Enforcement: General..... | 138 |
| Law Enforcement: Personal Property..... | 143 |
| Law Enforcement: Firearms | 144 |
| Law Enforcement: Motor Vehicles | 145 |
| Law Enforcement: Incarceration | 147 |
| Law Enforcement: Miscellaneous | 149 |
| Law Enforcement: N.Y.S.P.I.N. and Related Records | 153 |
| Recreation..... | 155 |
| Parks, Recreational Programs and Civic Centers..... | 155 |
| Mental Retardation and Developmental Disabilities (M.R.& D.D.) Recreational Programs | 157 |
| Camps..... | 157 |
| Taxation and Assessment..... | 160 |
| Valuation and Assessment..... | 160 |
| Assessment Roll/Tax Roll | 160 |

Schedule MI-1

General

| | |
|---------------------|-----|
| Tax Collection..... | 161 |
| Miscellaneous | 162 |

INTRODUCTION

I. HOW TO USE THE SCHEDULE²

A. New or Revised Items

If a diamond symbol (◆) precedes an item on this Schedule, the item is new or has been substantively changed from the previous Schedule. Thus, the retention periods for those items may have increased or decreased. Additionally, those items have added or amended explanatory notes. It is crucial that all internal control forms used for record retention purposes are accordingly adjusted, since only the items contained in this Schedule are legally applicable.

B. Unique Item Numbering System

Each Schedule item is numbered consecutively within each section/subsection of the Schedule and assigned a unique identifying number that appears in brackets [] in the Schedule. The unique identifying number remains unchanged from the previous Schedule regardless of whether items are revised or relocated to different sections of the Schedule. If an item is new, it will be assigned a new unique identifying number notwithstanding the location of the item on the Schedule.

C. Interpreting Schedule Items

A large portion of the Schedule items are broad and are categorized by the purpose and function of a given record rather than by a specific document or form. Accordingly, HHC personnel must match the records kept by their offices with the generalized descriptions on the Schedule to determine appropriate retention periods and when disposal is appropriate. If there is a question regarding how long a particular record must be retained, personnel should look at the content and function of the record and determine whether the Schedule has an item that is substantially the same. If so, it should be assumed that the record in question is covered by the substantially similar item in the Schedule.

D. Records that have an unclear period of retention

The Corporate RMO shall contact the State Archives when unsure about the retention period of a particular item. If records of varying retention periods are kept in a single file and cannot be practically separated to apply the various applicable periods of retention, then all the records in the file should be kept in accordance with the retention item with the longest period of retention.

² State University of New York, State Education Department, Records Retention and Disposition Schedule MI-1, 8 NYCRR 185.14 (Appendix K) (1988, rev. 2006) at pgs. xiii -xiv (available at http://www.archives.nysed.gov/a/records/mr_pub_mi1.pdf.) Rev.2006

E. The “Official” copy of a record

Unless otherwise provided by applicable law, HHC policy or directive, or elsewhere in this Policy/Schedule, the record retention periods provided hereunder apply to one "official" copy designated by HHC.

F. The record form or medium

The records retention periods provided hereunder relate to the information contained in the record that is the subject of retention, regardless of the record’s physical form, medium, or characteristic, whether a paper record or electronic record (i.e., computer disk, flash drive, tape, or other device that stores electronic information). “Duplicate copies of records, including copies maintained on different media (paper, electronic, etc.), may be disposed of in accordance with item number 19[19] of the General section of this Schedule.”

RECORDS DESCRIPTIONS AND RETENTION PERIODS

Schedule MI-1

General

GENERAL

NOTE: Records common to most offices are listed under this section of the Schedule. In using the Schedule, one should first attempt to locate a specific item under a functional heading. If the record you are locating cannot be found under a functional heading, then proceed to this General section to search for a less specific item covering the record.

- ◆1.[1] Official minutes and hearing proceedings of governing body or board, commission or committee thereof including all records accepted as part of minutes:

RETENTION: PERMANENT

- ◆◆2.[2] Recording of voice conversations, including audio tape, videotape, stenotype or stenographer's notebook and also including verbatim minutes used to produce official minutes and hearing proceedings, report, or other record

- a. Recording of public or other meeting of governing body or board, committee or commission thereof:

RETENTION: 4 months after transcription and/or approval of minutes or proceedings

NOTE: Videotapes of public hearings and meetings which have been broadcast on local government public access television are covered by item no. 581, below.

NOTE: Appraise these records for historical significance prior to disposition. Audio and videotapes of public hearings and meetings at which significant matters are discussed may have continuing value for historical or other research and should be retained permanently. Contact the State Archives for additional advice on the long-term maintenance of these records.

- b. Other recordings:

RETENTION: 0 after no longer needed

- ◆3.[3] Meeting files for meeting of governing body or board or agency, commission or committee thereof, including agendas, background materials and other records used at meetings:

RETENTION: 1 year

NOTE: Appraise these records for continuing administrative or historical value

prior to disposition. Agendas may have continuing administrative value and may be useful for accessing information in unindexed minutes and for indexing those minutes. Other records prepared for or used at meetings may have administrative or historical value for documenting issues discussed at the meetings and referenced in the minutes. See item no. 1, above, for records which are accepted as part of the minutes.

◆4.[4] Legal opinion or legal directive rendered by government agency:

RETENTION: PERMANENT

5.[5] Local law (including certification that law was properly enacted), rule, regulation, ordinance, resolution, proclamation or court order:

RETENTION: PERMANENT

◆6.[6] Legal agreement, including contract, lease, and release involving local government:

RETENTION: 6 years after expiration or termination or 6 years after final payment under contract, whichever is later

NOTE: This item does not apply to contracts (collective bargaining agreements) between a local government and a public employee labor organization. These contracts are covered by item no. 321 in the Personnel/Civil Service section, and must be retained permanently.

7.[7] Signature card, or equivalent record, showing signature of individual legally authorized to sign specific transaction:

RETENTION: 6 years after authorization expires or is withdrawn

◆8.[8] Proof of publication or posting, legal notices, or certification thereof

NOTE: This item does not apply to notice of forthcoming election (see item no. 143 in the Election section).

a. Relating to bond or note issue or tax limit increase:

RETENTION: 6 years after issue or increase disapproved or retired

b. Not relating to bond or note issue or tax limit increase:

RETENTION: 6 years

◆9.[9] Manual of procedures, or policies and standards

a. Involving major procedures, policies and standards affecting local

government operations, critical functions or issues of public visibility or concern:

RETENTION: PERMANENT

- b. Involving routine day-to-day procedures, policies and standards pertaining to internal administration of a local government:

RETENTION: 6 years after superseded

◆ 10.[10] **Correspondence**, and supporting documentation maintained in a subject file (generated or received by a local government), **except** correspondence that is part of a case file or other record series listed elsewhere on this Schedule

- a. Documenting significant policy or decision making or significant events, or dealing with legal precedents or significant legal issues:

RETENTION: PERMANENT

NOTE: Significant correspondence is often maintained by the chief executive or administrative officer, and sometimes in subject file format. See item no. 198 in the Executive, Manager, and/or Administrator section.

- b. Containing routine legal, fiscal or administrative information:

RETENTION: 6 years

- c. Of **no** fiscal, legal or administrative value (including letters of transmittal, invitations and cover letters):

RETENTION: 0 after no longer needed

◆ 11.[11] **Official copy of publication**, including newsletter, press release, published report, bulletin, homepage or other website file, educational or informational program material prepared by or for local government

NOTE: Specific publications are listed in other places in this Schedule. Before using this item to determine the minimum legal retention for a publication, determine if that publication is covered by a more specific item.

- a. Publications which contain significant information or substantial evidence of plans and directions for government activities, **or** publications where critical information is **not** contained in other publications:

RETENTION: PERMANENT

- b. Publications where critical information is **also** contained in other publications or reports, publications which document routine activities,

publications which contain **only routine** information, or publications (such as webpages) that facilitate access to government information on the Internet:

RETENTION: 0 after no longer needed

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. Local governments should consider permanent retention of samples of publications covered by part "b" of the above item. Contact the State Archives for additional advice in this area.

- ◆ 12.[12] **Special project or program files**, including official copy of publications, videotapes, or informational literature prepared for public distribution, background materials and supporting documentation:

RETENTION: 6 years after project or program ends

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. If special projects or programs deal with significant subjects, then certain documentation from these files, such as summary reports and resulting publications, should be retained permanently.

- ◆ 13.[13] **Grant program file**

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently.

- a. Application, proposal, narrative, evaluation, and annual report for grants that have been awarded:

RETENTION: 6 years after renewal or close of grant

NOTE: Local governments may find that some of the records covered by part "a" have ongoing administrative value. These records may be useful beyond the minimum retention period for preparing future grant applications.

- b. Background material, fiscal records, and supporting documentation for grants that have been awarded and all records relating to grant applications that have been rejected:

RETENTION: 6 years after renewal or close of grant or denial of application

◆ 14.[33] **Complaint, petition or request for service** received by local government

NOTE: Appraise these records for historical significance prior to disposition. Petitions by citizens involving very significant issues should be retained permanently.

NOTE: For additional fiscal items, see Fiscal section of this Schedule.

- a. Summary record (such as log or register) of complaints, petitions or requests:
RETENTION: 6 years after disposition of all complaints, petitions or requests listed
- b. Complaints, petitions or requests relating to other than routine services or activities:
RETENTION: 6 years after final disposition of complaint, petition or request
- c. Complaints, petitions or requests relating to routine government services or activities:
RETENTION: 1 year after final disposition of complaint, petition or request

◆ 15.[15] **Opinion survey records**

- a. Survey results, including official copy of survey form:
RETENTION: 6 years

NOTE: Appraise these records for historical significance prior to disposition. Survey results and sample forms involving very significant issues should be retained permanently.

- b. Completed survey forms:
RETENTION: 0 after survey results prepared

◆ 16.[16] **Repair, installation, maintenance or similar record**, including but not limited to request for service, work order, record of work done, and summary or log of service performed:

RETENTION: 6 years

NOTE: For maintenance, testing, service, operational and repair records for public equipment or vehicle, see item no. 424 in the Public Property and

Equipment section.

◆ 17.[17] **Internal investigation or non-fiscal audit records**

NOTE: Fiscal audit records are covered by item no. 214 in the Fiscal section, Audit subsection. Investigations of personnel are covered by item no. 311 in the Personnel/Civil Service section, Personnel subsection.

a. Report and recommendation resulting from investigation:

RETENTION: PERMANENT

b. Background materials and supporting documentation:

RETENTION: 6 years

◆ 18.[18] **Internal information record**, including but not limited to calendars of appointments, office and travel schedule, memoranda and routing slips, routine internal reports, reviews and plans, used solely to disseminate information or for similar administrative purposes:

RETENTION: 0 after no longer needed

19.[19] **Duplicate copy of record**, created for administrative convenience, **except** where retention is specified elsewhere in this Schedule:

RETENTION: 0 after no longer needed

◆ 20.[20] **Log or schedule** used for internal administrative purposes only:

RETENTION: 0 after no longer needed

◆ 21.[21] **Mailing list** used for billing or other administrative purposes:

RETENTION: 0 after superseded or obsolete

◆ 22.[22] **Daily, weekly, monthly, quarterly or other periodic internal or external report, summary, review, evaluation, log, list, statement or statistics:**

RETENTION: 6 years

NOTE: For annual, special, or final report, summary, review or evaluation, see item no. 23. For routine internal reports and reviews, see item no. 18.

◆ 23.[23] **Annual, special or final report, summary, review or evaluation**

NOTE: Specific annual reports are listed in many places in this Schedule. Before using this item to determine the minimum legal retention for an annual report, determine that a report is not covered by a more specific item.

- a. Reports which contain substantial evidence of government policy, procedures, plans and directions:

RETENTION: PERMANENT

- b. Reports where critical information is contained in other reports, reports which document internal management and housekeeping activities, or reports which contain **only routine** legal, fiscal and administrative information:

RETENTION: 6 years

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently.

- ◆ 24.[24] **Program plan (annual, special or long-range):**

RETENTION: PERMANENT

NOTE: Program plans of a routine nature covering internal activities are covered by item no. 18. Program plans where significant information is duplicated in other records (which are retained permanently) are covered by item no. 19.

- 25.[25] **List, index or summary** used for internal administrative convenience or for informational purposes:

RETENTION: 0 after obsolete

- 26.[26] **Working document**, such as draft, worksheet or posting record **except** worksheets containing fiscal information:

RETENTION: 0 after no longer needed

- ◆ 27.[27] **Communication log** recording each communication between caller and receiving unit:

RETENTION: 1 year

NOTE: Item nos. 27 & 28 do **not** apply to records found in the public safety area. See the Public Safety section of this Schedule.

- 28.[28] **Telephone call log, statement or equivalent record:**

RETENTION: 1 year

- ◆ 29.[29] **Identification card** (duplicate copy or record of issuance) issued to client, patron or resident:

RETENTION: 0 after invalid

NOTE: This does **not** apply to identification cards issued by a law-enforcement agency as proof of age or residency **or** identification cards issued by local government to its employees. For these, see item no. 465 in the Public Safety section and item no. 316 in the Personnel/Civil Service section.

30.[30] **Postal records**, including returned registered or certified mail card or receipt and insurance receipt:

RETENTION: 1 year

◆ 31.[31] **Accident report** and related records:

RETENTION: 3 years, or 0 after individual attains age 21, whichever is later

◆ 32.[32] **Report of incident of theft, arson, vandalism, property damage or similar occurrence:**

RETENTION: 6 years

NOTE: This item does **not** apply to records found in the public safety area. See the Public Safety section of this Schedule.

◆ 33.[581] **Local government public access television records**

a. Videotape (or other information storage device) recording local government public access television program, where program is produced by a local government

Where program constitutes an important public meeting, significant event, important subject or documents local government policy making:

RETENTION: PERMANENT

NOTE: In order to ensure the continued preservation and availability of videotapes, local governments should consider using broadcast-quality tapes where possible. Those tapes should be periodically inspected and copied to newer tapes and formats. Consult the State Archives for additional advice.

Where program constitutes a routine meeting, event or subject:

RETENTION: 1 year

Where program is aired but **not** produced by a local government:

RETENTION: 0 after no longer needed

- b. Viewer guide or other periodic listing of programs:
RETENTION: 1 year

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. The State Archives recommends that local governments retain a sampling of these records on a monthly, seasonal or other periodic basis.

- c. Program files on local government cable television programs:
RETENTION: 6 years

◆ 34.[582] **Records covering photocopying and other reproduction** of records, books, or other materials, including usage logs and individual copying requests

- a. For materials subject to U.S. Copyright Law:
RETENTION: 3 years
- b. For materials **not** subject to U.S. Copyright Law:
RETENTION: 0 after no longer needed

◆ 35.[583] **Copyright records**, for materials copyrighted by local government, including but not limited to copy of application, notice of copyright and correspondence:
RETENTION: 6 years after copyright expires or application denied

◆ 36.[584] **Training course information records**, including but not limited to memoranda, flyers, catalogues and other records related to specific training courses including information on course content, program registration, instructor, credits, hours and roster of agency registrants:
RETENTION: 0 after superseded or obsolete

NOTE: This item does not cover training in the Public Safety area; see item nos. 435 and 441 in the Public Safety section. This item does not cover training in dealing with toxic substances; see item no. 325 in the Personnel/Civil Service section.

◆ 37.[585] **Training course registration processing records**, including but not limited to employees' application and enrollment records for courses including employee data forms, course applications, and supervisors' and training officers' authorizations or denials:
RETENTION: 3 years after date of application to take course

ARCHIVES/RECORDS MANAGEMENT

◆ 1.[34] **Records disposition documentation**

a. Consent of the Commissioner of Education to the use of records retention and disposition schedules and the legal disposition of records:
RETENTION: 0 after superseded

b. Documentation of final disposition of records, describing records disposed of and manner and date of disposition:
RETENTION: 6 years after final disposition of records

NOTE: Local governments may wish to retain records covered by part "b" longer than the minimum retention period, to provide evidence that records have been legally disposed of, in response to requests for public access to records. In addition, documentation of the final disposition of archival records is covered by item no. 36, below.

◆ 2.[35] **Inventory of records:**
RETENTION: 0 after superseded

3.[36] **Records transfer list**

a. For archival records:
RETENTION: **PERMANENT**

b. For inactive records:
RETENTION: 0 after disposition of records on list

◆ 4.[37] **Retrieval request** for records in storage:
RETENTION: 0 after return of records, or 3 years after retrieval when records **not** returned

5.[38] **Archival administration records**

a. Appraisal and accessioning documentation, including assessment of conservation needs:
RETENTION: **PERMANENT**

b. Processing and management working papers, drafts, notes, and related

records:

RETENTION: 0 after no longer needed

- ◆6.[39] Guide, listing, index, or other finding aid to archival records:

RETENTION: 0 after superseded

NOTE: Local governments should retain any superseded guides, lists, indices or other finding aids containing record numbering and identification information, or any other significant information not carried forward to newer versions.

- ◆7.[40] Records on use of archival materials

- a. Log or register of researchers, and patron's registration for use of archival records:

RETENTION: 6 years

- b. Researcher interviews, reference statistics, requests for records, or similar reference service records:

RETENTION: 0 after no longer needed

ATTORNEY OR COUNSEL

- ◆1.[41] Legal case file, including but not limited to notice of claim, attorney and investigator activity logs, complaints, court order, motions, notes, briefs, releases and closing sheet:

RETENTION: 6 years after case closed, or 0 after any minor involved attains age 21, whichever is later

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. Local governments should consider permanent retention of significant cases which have importance or which set major legal precedents. For instance, local governments may wish to permanently retain files for cases concerning major local controversies, issues, individuals and organizations which are likely to be the subject of ongoing research or which result in decisions or rulings of major significance to the local government or community or to the entire state. Contact the State Archives for advice in this area. In addition, local governments may wish to retain the complaint and release for routine cases longer for convenience of reference.

- 2.[42] Legal brief file ("brief bank") containing duplicate copies of legal briefs from case files, retained separately for future reference:

RETENTION: 0 after no longer needed

- ◆3.[43] Legal case log giving chronological listing of cases:

RETENTION: 0 after no longer needed

- 4.[44] Legal case index, including notations on activities related to case:

RETENTION: PERMANENT

- 5.[45] Subject file assembled and kept for reference purposes:

RETENTION: 0 after no longer needed

- ◆◆6.[880] Subpoena, along with documentation of response, issued to local government agency or officer, when not part of legal case file or any other series of records listed on this Schedule:

RETENTION: 6 months after date of response

NOTE: Subpoenas relating to legal case files or other series of records listed on this Schedule should be retained as part of or as long as that respective series.

BUILDING AND PROPERTY REGULATION

BUILDING/PROPERTY HISTORY SYSTEMS

NOTE: Some local governments in the state use automated systems to keep track of various functions of their offices regarding building and property regulation. These systems, which we are referring to generically as "Building/Property History Systems," contain information in such areas as planning, zoning, building permits and inspections, fire safety, code enforcement, violations and complaints. In general, these systems do not replace existing hard copy-based systems, but do create some of the forms and other paper records in these files. In addition, these systems contain data files and other electronic records not found in manual systems. The items below are meant to cover not only electronic records contained in these automated systems, but also maps, reports and other system output maintained in both traditional hard copy and electronic format as well.

More importantly, these systems often contain summary information on various local government activity regarding a specific building and/or parcel of real property. The building/property history data file, listed below, may contain retrospective information on building permit issuance, building inspection, certificate of occupancy issuance, site plan review or other planning actions, zoning variances, special use permits and fire inspections for a single parcel of property over a period of time.

- ◆1.[586] **Building/property history data file contained in building/property history system**, and related records, created for informational and reference purposes, containing information on such areas as building permit issuance, building inspection, certificate of occupancy issuance, site plan review or other planning actions, zoning variances, special use permits and fire inspections:
RETENTION: 0 after no longer needed

NOTE: Local governments should **consider** permanent retention of the basic data elements of these building/property history systems for all parcels of property in the local government. This information may be useful for long-range planning purposes, and for community, urban planning and architectural history research. More importantly, this data provides for ease of access to summary data on individual parcels of real property and the structures located on them. In addition, this data file may be used to access more detailed records maintained in electronic data output or maps, plans, permits and other paper records in inactive storage. Contact the State Archives for additional advice.

- ◆2.[587] **Street address/parcel number authority data file**, used to supply

building/property history system with accurate, up-to-date information on real property tax parcel numbers, property owners' names and addresses, parcel sizes, E-911 or other street addresses, and other essential data necessary for system to operate:

RETENTION: Retain until superseding or updated file received.

NOTE: This data is often received from an assessor's or tax office. See items covering real property data systems in the Taxation and Assessment section.

◆3.[588]

Lists, reports, studies, queries, searches for information, special project records and analyses created from data contained in one or more data files in building/property history system

- a. Final reports and studies resulting from analysis of system data, including background materials and supporting documentation containing significant information on real property and structures located thereon, used for such purposes as long-range planning, change of zoning boundaries and regulations, or planning infrastructure improvements or new facility construction:

RETENTION: 6 years after project completed, or after date of final entry in record

NOTE: Appraise these records for historical significance prior to disposition. Records for important projects have historical value and should be retained permanently. Contact the State Archives for additional advice.

- b. Reports and studies resulting from analysis of system data, including background materials and supporting documentation, queries, searches for information, lists, logs or other internal information records, containing routine information on real property and structures located thereon, or used to produce final reports and studies:

RETENTION: 0 after no longer needed

NOTE: Queries conducted in automated systems are not considered "records" unless the query and/or its results are saved in electronic or manual format. See also related items in the Electronic Data Processing section.

**BUILDING AND CONSTRUCTION
(REGULATION AND INSPECTION)**

NOTE: Applications for permits necessary for connection to public water supply system or municipal sewer, for individual water supply or sewage disposal system, for groundwater drainage, and for soil or stream disturbance or realty subdivision construction, are found in the Environmental Health section of this Schedule.

- ◆1.[589] **Master summary record**, including index, log or journal, covering building code complaints, inspections, investigations, and violations:
RETENTION: PERMANENT

- ◆2.[590] **Housing maintenance or building inspection records**, including but not limited to complaints, inspection reports, notice of violation, cumulative building inspection record, appeal or review and final disposition of case

- a. For school, public building, multifamily dwelling, commercial or industrial structure, or hazardous structure:

RETENTION: 6 years after building no longer exists, but not less than 21 years

- b. For single family home:

RETENTION: 6 years after last entry in record

NOTE: Building inspection records relating to building permit issuance are covered by item no. 593, below.

- ◆3.[591] **Fire safety inspection records**

- a. Master summary record of inspections performed:

RETENTION: **PERMANENT**

- b. Report on inspection at school, public building, multifamily dwelling, or commercial or industrial facility and notice of violation:

RETENTION: 21 years

NOTE: If fire safety inspection records are combined or interfiled with building inspection records, use item no. 590a, immediately above.

- c. Report on inspection of single family dwelling and notice of violation:

RETENTION: 6 years

- ◆4.[592] **Building inspection data file** contained in building/property history system, and related records, created for informational and reference purposes, containing information on building inspections **not** related to building permit issuance, certificate of occupancy issuance, fire inspections, and other relevant detailed information:

RETENTION: 0 after no longer needed

NOTE: Local governments should **consider** permanent retention of the basic data elements of this building inspection data for all parcels of property in the local government, **unless** that data is preserved by the building/property history system overall summary data file (see item no. 586, above.) This information may be useful for long-range planning purposes, and for community, urban planning and architectural history research. More importantly, this data provides for ease of access to summary building permit data on individual parcels of real property and the structures located on them. In addition, this data file may be used to access more detailed building permit records in electronic data output or maps, plans, permits and other paper records in inactive storage. Contact the State Archives for additional advice.

- ◆5.[593] **Building permit and certificate of occupancy issuance records**

NOTE: Building permit files often contain plans, sketches, photographs, and other records that provide valuable information on individual structures. These records may have continuing value for historical or other research, and the State Archives suggests they be retained permanently.

- a. Master summary record of applications for building, plumbing, electrical, demolition or related permits, or for certificates of occupancy granted:
RETENTION: **PERMANENT**
- b. Log or other chronological list recording permits or certificates of occupancy issued:
RETENTION: 1 year after last entry in record, or 1 year after posting
- c. Building, plumbing, electrical, demolition or related permit file, including application and supporting materials; plans, maps and drawings; specifications; inspection reports; copies of all required permits and approvals; affidavit of compliance or completion of work; records of appeal when permit is denied; certificate of occupancy and correspondence

When permit is granted:

RETENTION: 6 years after building no longer exists

When permit is denied:

RETENTION: 6 years after final decision

When application is discontinued, has lapsed or is incomplete:

RETENTION: 90 days after date of most recent entry in record

For **non-structural modifications** to shopping mall, office complex or similar structure (modifications **not** involving changes to fire suppression or alarm systems), when permit is granted:

RETENTION: 10 years

NOTE: Certain records covered by this item may be included under item no. 594, below, such as in instances where they are maintained in electronic format and not created as hard-copy output and included in the building permit file. In these cases, the electronic records covered by item no. 594 must be retained as long as specified by this item.

d. Certificate of occupancy and application when not related to building permit application:

RETENTION: 6 years after building no longer exists

e. Detailed construction specifications submitted as part of building permit application:

RETENTION: 6 years after denial of permit or completion of work

◆ 6.[594] **Building permit issuance data file** contained in building/property history system, and related records, created for informational and reference purposes, containing information on applications for and issuance of building permits, including related inspections, certificate of occupancy issuance, and other relevant detailed information:

RETENTION: 0 after no longer needed

NOTE: Local governments should **consider** permanent retention of the basic data elements of this building permit issuance data for all parcels of property in the local government, **unless** that data is preserved by the master summary record (see item no. 586, above.) This information may be useful for long-range planning purposes, and for community, urban planning and architectural history research. More importantly, this data provides for ease of access to summary building permit data on individual parcels of real property and the structures located on

them. In addition, this data file may be used to access more detailed building permit records in electronic data output or maps, plans, permits and other paper records in inactive storage. Contact the State Archives for additional advice in this area.

- ◆7.[595] **Building condemnation and demolition files**, including application, copy of permit, correspondence, and notice of condemnation:
RETENTION: PERMANENT

- ◆8.[596] **Contractors' liability insurance records**

- a. Certificate of insurance or copy of insurance policy:
RETENTION: 6 years after denial or expiration of relevant permit
- b. Master summary record of contractors doing business in municipality and their insurance coverage:
RETENTION: 1 year after superseded or obsolete

- ◆9.[597] **Building complaints/violations records**, including data file contained in building/property history system, and related records, containing information on complaint tracking and violation processing, and other relevant information:
RETENTION: 6 years

NOTE: For citizen complaints and requests for services, not covered by items in this section, see item no. 33 in the General section. For sanitary code violations, see item no. 173 in the Environmental Health section.

NOTE: Local governments should **consider** longer retention of the basic data elements of this complaints/violations data for all parcels of property in the local government, **unless** that data is preserved by the building/property history system overall summary data file (see item no. 586, above.) This information may be useful for long-range planning purposes in conjunction with building permit issuance and building inspection data. Contact the State Archives for additional advice.

PLANNING

- 1.[340] **Comprehensive plan development file**, including but not limited to official copy of comprehensive plan and all background surveys, studies, reports, and draft versions of plan:
RETENTION: PERMANENT

- ◆2.[598] **Planning action data file** contained in building/property history system, and related records, created for informational and reference purposes, containing information on mandatory or discretionary planning review, planning projects, and other relevant detailed information:
RETENTION: 0 after no longer needed

NOTE: Local governments should **consider** permanent retention of the basic data elements of this planning action data for all parcels of property in the local government, **unless** that data is preserved by the building/property history system overall summary data file (see item no. 586, above.) This information may be useful for long-range planning purposes, and for community and land use history research. More importantly, this data provides for ease of access to summary building permit data on individual parcels of real property and the structures located on them. In addition, this data file may be used to access more detailed building permit records in electronic data output or maps, plans, permits and other paper records in inactive storage. Contact the State Archives for additional advice.

- 3.[341] **Planning project or program file** for project or program developed by or for planning agency
 - a. Final report and essential supporting information used to develop report, including but not limited to maps, plans, technical memoranda and environmental impact studies:
RETENTION: **PERMANENT**
 - b. Background material, including but not limited to notes, memos, worksheets and correspondence:
RETENTION: 6 years

- 4.[342] **Master summary record** (log or register) maintained by planning agency to record receipt of planning or zoning reviews and projects, and to record subsequent action taken:
RETENTION: **PERMANENT**

- 5.[343] **Geographic reference file** maintained by planning agency for internal reference purposes, usually arranged by name of government agency or other service organization:
RETENTION: 0 after obsolete

- ◆6.[344] **Mandatory planning review case file** for required review of site plan, zoning

variance, special permit, change of zoning, subdivision creation or enlargement, local government planning action, or other required review, including but not limited to maps, plans, sketches, photographs, engineering reports, environmental impact statements and studies, copies of zoning records, project narrative, correspondence, and record of final determination

- a. Subdivision, historic structure, major commercial or industrial development, or capital construction, where application is approved or denied (**except** records covered by part "d"):

RETENTION: PERMANENT

- b. Subdivision, historic structure, major commercial or industrial development, or capital construction, where application is withdrawn or abandoned (**except** records covered by part "d"):

RETENTION: 10 years after last entry

- c. Any other mandatory review:

RETENTION: 6 years after last entry

- d. Detailed construction specifications, receipts and transmittal documents, lists of abutting properties, superseded versions of plans and drawings, routine correspondence and internal notes and memoranda from all files:

RETENTION: 6 years after last entry

- e. Informal consultation records, created as a result of informal meeting with prospective applicant, prior to actual submission of application:

RETENTION: 1 year after last entry

NOTE: "Subdivision," as used in this item, means the division of one parcel of land into two or more lots, blocks, plots or sites.

7.[345] **Discretionary planning review case file**, including review of planning review cases, federal or other aid projects, review of mining permit application, environmental impact or similar studies, or other reviews, including but not limited to application, correspondence, copies of local planning or zoning records, maps, plans, sketches, and other supporting materials

- a. When review is carried out, and comments are forwarded by planning agency:

RETENTION: 3 years after last entry

- b. When **no** comments are forwarded by planning agency:

RETENTION: 1 year after receipt of request to review

ZONING

- ◆ 1.[599] **Master summary record** (log or register) maintained by zoning agency to record receipt of zoning variance and special use permit applications, change of zoning applications for individual parcels, and other zoning activity, and to record subsequent action taken:

RETENTION: PERMANENT

- 2.[576] **Zoning maps**, and all updates:

RETENTION: PERMANENT

- ◆ 3.[600] **Zoning action data file** contained in building/property history system, and related records, created for informational and reference purposes, containing information on zoning variances, special use permits, and other relevant detailed information:

RETENTION: 0 after no longer needed

NOTE: Local governments should **consider** permanent retention of the basic data elements of this zoning action data for all parcels of property in the local government, **unless** that data is preserved by the building/property history system overall summary data file (see item no. 586, above.) This information may be useful for long-range planning purposes, and for community and land use history research. More importantly, this data provides for ease of access to summary building permit data on individual parcels of real property and the structures located on them. In addition, this data file may be used to access more detailed building permit records in electronic data output or maps, plans, permits and other paper records in inactive storage. Contact the State Archives for additional advice.

- ◆ 4.[577] **Change of zoning records**, including application, petition, protest, hearing minutes, preliminary and final reports and correspondence, relating to changes proposed in zoning boundaries or regulations:

RETENTION: PERMANENT

NOTE: Change of zoning records relating to changes in zoning classification for individual parcels of property, not affecting other parcels or larger areas, are covered by item no. 578, below, as if these were zoning variance applications.

- ◆ 5.[578] **Zoning variance or special permit file**, including application and supporting materials, hearing results, decision and appeal records

- a. For commercial, industrial, historic structure or multi-unit residential variance or permit (**except** records covered by part "c"):

RETENTION: PERMANENT

- b. For single-unit residential variance or permit:

RETENTION: 25 years after date of last entry

NOTE: Certain single-unit residential variance and permit files may be significant because they set legal precedents and should be retained permanently. Those involving the definition of what constitutes a "family" may be particularly important.

- c. Detailed construction specifications, receipts and transmittal documents, lists of abutting properties, superseded versions of plans and drawings, routine correspondence and internal notes and memoranda from all files:

RETENTION: 6 years after last entry

- d. Informal consultation records, created as a result of informal meeting with prospective applicant, prior to actual submission of application:

RETENTION: 1 year after last entry

- 6.[579] **Notification of proposed zoning change**, received from adjacent town:

RETENTION: 1 year

- 7.[580] **Zoning ordinance violation records**, not related to zoning variance or special permit application

- a. For alleged but unfounded violation:

RETENTION: 1 year

- b. Violation files:

RETENTION: 6 years after date of last entry in record

- c. Master summary record of violations:

RETENTION: PERMANENT

DISASTER PREPAREDNESS

- ◆ 1.[135] **Disaster preparedness or crisis relocation records**
 - a. Official copy of plans, including supporting maps, when prepared by local government under provisions of Section 23, Executive Law:
RETENTION: PERMANENT
 - b. Copies of plans held by local government, including supporting maps, when official copies prepared under Section 23, Executive Law, are maintained by county or other local government which created them, along with other disaster preparedness plans, not prepared under Section 23, Executive Law, intended for specific buildings or for use by specific local government units:
RETENTION: 3 years after superseded
 - c. Background materials and supporting documentation used in preparation of plans:
RETENTION: 3 years

- ◆ 2.[136] **Disaster response and damage files** compiling information on the response of all agencies to a major disaster, including such records as photographs, press clippings, property damage reports, records of emergency response, summary reports of personal injuries, records relating to demolition and new construction, and correspondence:
RETENTION: PERMANENT

ELECTRIC AND GAS UTILITY

1.[151] **Operational permit records**, including application, copy of permit and correspondence:
RETENTION: 6 years after denial of application or expiration, renewal or revocation of permit

◆2.[152] **Construction, modification, demolition or retirement records** for electric or gas production plant and transmission and distribution system, including but not limited to detailed construction specifications and other supplementary documentation, progress and completion reports, work orders, memoranda, worksheets, records of inspection and work evaluation and correspondence:
RETENTION: 10 years after retirement of plant or system

NOTE: Appraise these records for historical significance prior to disposition. Significant records deriving from the construction, retirement or other major changes in municipal power facilities may have long-term value deriving from and relating to the importance of these facilities in the community and should be retained permanently. Contact the State Archives for additional advice.

- 3.[153] **Gas and electric utility reports**
- a. Station or system power generation report:
RETENTION: 25 years
 - b. Station or system inspection report, including operating tests:
RETENTION: 6 years
 - c. Inspection and repair reports on street openings, such as for correcting gas leaks:
RETENTION: 6 years
 - d. Analysis of gas produced and purchased, including BTU and sulfur content:
RETENTION: 6 years
 - e. Gas measuring records:
RETENTION: 3 years
 - f. Gas pressure department reports:
RETENTION: 3 years

- 4.[154] **Substation, transformer, pole, tower or generator records**, or records of other specific component part of system, including sketches and measurements; and installation, maintenance and discontinuance information:
RETENTION: 6 years after component part replaced or its use discontinued
- NOTE:** All records relating to any gas pipeline designed to operate at 125 PSIG or more must be retained as long as that pipeline remains in service, per Section 255.17 (b) of *16 NYCRR*.
- 5.[155] **Log book of electric or gas plant** or any part of electricity or gas production, transmission and distribution system:
RETENTION: 6 years after last entry
- 6.[156] **Charts, graphs and related data recording records**
- a. Summary chart, graph or equivalent record compiled from records of original entry showing long term trends and developments:
RETENTION: **PERMANENT**
 - b. Recording chart or other record of original entry, including load curve; and temperature, pressure, specific gravity or water level chart:
RETENTION: 3 years
 - c. Gas measuring records, when information is transferred to summary record:
RETENTION: 6 months
 - d. Gas measuring records, when information is not transferred to summary record:
RETENTION: 1 year
 - e. River flow data collected in connection with hydro-electric plant operation:
RETENTION: **PERMANENT**
- 7.[157] **Municipal lighting records**, including but not limited to installation, repair, inspection and replacement records for street lights and other lighting devices:
RETENTION: 6 years after device no longer in use
- 8.[158] **Subsidiary ledgers** or journals of electric or gas utility:
RETENTION: 50 years

- 9.[159] **Service interruption records**, including but not limited to storm damage, downed and severed power lines, circuit overloading or other related power failure or transmission problem, or apparatus failure reports for gas utility:
RETENTION: 6 years
- 10.[160] **Board of Fire Underwriters' certificate:**
RETENTION: 3 years
- 11.[161] **Records of electric or gas meter tests:**
RETENTION: 2 years after subsequent test conducted, but not longer than 6 years
- 12.[162] **Electric or gas meter history records:**
RETENTION: 0 after meter no longer in use

ELECTRONIC DATA PROCESSING

GENERAL ADMINISTRATION

- ◆1.[642] **Data processing unit subject files, correspondence, memoranda, reports, publications, and related records** used to support the administration of data processing services. This item does not include local government Information Resource Management (IRM) plans, long-range or strategic plans, EDP and IRM policies, records that document fiscal transactions, and any records covered by other items in this schedule:
RETENTION: 0 after superseded or obsolete
- ◆2.[643] **Information resources management and data processing services plans**, local government IRM plans, data processing services plans, strategic plans, and related records used to plan for information systems development, technology acquisitions, data processing services provision, or related areas
- a. Master copy of plan and essential background documentation:
RETENTION: Retain for 3 planning cycles after the plan is completed, superseded, or revised.
- NOTE:** Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. Some of these records may document the development and advancement of technology used by the local government. Contact the State Archives for additional advice in this area.
- b. Copies, drafts, and routine material:
RETENTION: 0 after no longer needed
- ◆3.[644] **Data processing policies**, records of data processing policies including those covering access and security, systems development, data retention and disposition, and data ownership:
RETENTION: 3 years after policy is withdrawn, revised, updated, or superseded
- ◆4.[645] **Data processing product/vendor and state contracts reference files**, information on data processing equipment, software, and other products and their vendors:
RETENTION: 0 after no longer needed for reference

SYSTEMS AND APPLICATION DEVELOPMENT

- ◆1.[646] **Application development project files**, records created and used in the development, redesign, or modification of an automated system or application including project management records, status reports, draft system or subsystem specifications, draft user requirements and specifications, and memoranda and correspondence. This item does not cover system or application documentation (see item nos. 647 and 648):

RETENTION: 3 years after completion of project

NOTE: In some circumstances, local governments may wish to maintain these files longer for reference. All relevant information and final documentation should be contained in system and application documentation files (see item nos. 647 and 648).

- ◆2.[647] **Data systems specifications**, user and operational documentation describing how an application system operates from a functional user and data processing point of view including records documenting data entry, manipulation, output and retrieval (often called "system documentation records"), records necessary for using the system, including user guides, system or sub-system definitions, system flowcharts, program descriptions and documentation (or other metadata), job control or workflow records, system specifications, and input and output specifications. This item does not cover data documentation and other records used to explain the meaning, purpose, or origin of data (see item no. 648):

RETENTION: 3 years after discontinuance of system, but not before system data is destroyed or transferred to new operating environment

- ◆3.[648] **Data documentation**, records generally created during development or modification and necessary to access, retrieve, manipulate and interpret data in an automated system including data element dictionary, file layout, code book or table, and other records that explain the meaning, purpose, structure, logical relationships, and origin of the data elements (sometimes known as metadata):

RETENTION: 3 years after discontinuance of system or application but not before system's or application's data is destroyed or transferred to a new structure or format

NOTE: In some cases, local governments will retain data for extended periods, sometimes offline. It is essential that they retain related documentation in an accessible format. This is particularly crucial if the documentation is stored in

electronic form or the related records are appraised as archival. Application design documentation and user guides covered by item no. 647 may also serve to explain how data was interpreted and used. Contact the State Archives for additional advice in this area.

- ◆4.[649] **Automated program listing/source code**, automated program code which generates the machine-language instructions used to operate an automated information system:

RETENTION: Retain for 3 system update cycles after code is superseded or replaced.

NOTE: This item coincides with item no. 656, system backup files. It assumes that the files are maintained (backed-up) and disposed in accordance with accepted data processing practice; i.e., that 3 generations of backups be retained (see item no. 656).

- ◆5.[650] **Technical program documentation**, paper copy of program code, program flowcharts, program maintenance log, system change notices, and other records that document modifications to computer programs:

RETENTION: 1 year after replacement, modification, or related programs cease to be used

NOTE: Local governments may consider retaining documentation for critical systems for a longer period. Contact the State Archives for additional advice in this area.

- ◆6.[651] **Test database/files**, routine or benchmark data sets, related documentation, and test results constructed or used to test or develop a system:

RETENTION: 0 after no longer needed, but **not** before user accepts and management reviews and approves test results

COMPUTER OPERATIONS AND TECHNICAL SUPPORT

- ◆1.[652] **Data processing operating procedures**, records of procedures for data entry, the operation of computer equipment, production control, tape library, system backup, and other aspects of a data processing operation:

RETENTION: 3 years after procedure is withdrawn, revised, updated, or superseded

- ◆2.[653] **Data processing hardware documentation**, records documenting the use,

operation, and maintenance of a local government's data processing equipment including operating manuals, hardware/operating system requirements, hardware configurations, and equipment control systems:

RETENTION: 0 after the local government no longer uses related hardware and all data is transferred to and made useable in new hardware environment

NOTE: Routine records that do not contain substantial information on the maintenance history or equipment should be destroyed on an annual basis, using item no. 18 in the General section.

- ◆3.[654] **Operating system and hardware conversion plans**, records relating to the replacement of equipment or computer operating systems:

RETENTION: 1 year after successful conversion

- ◆4.[655] **Disaster preparedness and recovery plans**, records related to the protection and reestablishment of data processing services and equipment in case of a disaster:

RETENTION: 0 after superseded by revised plan

NOTE: The State Archives recommends that local governments store disaster preparedness and recovery plans in a secure area off-site from the computer installation to which they refer.

- ◆5.[656] **System backup files**, copies of master files or databases, application software, logs, directories, and other records needed to restore a system in case of a disaster or inadvertent destruction:

RETENTION: 0 after 3 system backup cycles

NOTE: Backups used to document transactions or retained for purposes other than system security are covered by the relevant sections of this schedule. For fiscal systems, monthly system backups are often retained for the entire fiscal year to provide an audit trail, and annual system backups are retained to meet all legal and fiscal requirements in lieu of copies of the individual master files or databases. These records should be disposed using items from the Fiscal section of this schedule. It is advisable that for many application systems 2 or 3 copies of backups be produced during each cycle.

- ◆6.[657] **System users access records**, created to control or monitor individual access to a system and its data, including but not limited to user account records and password files:

RETENTION: 0 after the individual no longer has access to the system, **but not before** audit requirements for the records modified by that individual have

been met.

NOTE: System users access records and computer usage records may also serve some security purposes.

- ◆ 7.[879] **Computer system security records**, records used to control or monitor the security of a system and its data, including but not limited to intrusion detection logs, firewall logs, logs of unauthorized access, and other security logs:
RETENTION: 10 years after date of last entry

- ◆ 8.[658] **Computer usage files**, electronic files or automated logs created to monitor computer system usage including but not limited to login files, system usage files, charge-back files, data entry logs, and records of individual computer program usage:
RETENTION: 0 after 3 system backup cycles

- ◆ 9.[659] **Summary computer usage reports**, summary reports and other paper records created to document computer usage for reporting or cost recovery purposes:
RETENTION: 1 fiscal year after creation

- ◆ 10.[660] **Computer run scheduling records**, records used to schedule computer runs including daily schedules, run reports, run requests, and other records documenting the successful completion of a run:
RETENTION: 0 after end of current fiscal year

- ◆ 11.[661] **Input documents**, copies of records or forms designed and used solely for data input and control when the data processing unit provides centralized data input services and original records are retained by the program unit:
RETENTION: 0 after all data has been entered into the system and, if required, verified

NOTE: Input records retained for fiscal audit or legal purposes, or, containing information needed by a local government, are covered by the relevant section of this schedule. Input records that document valid transactions are covered by item no. 663. Input records which serve a fiscal audit purpose may be covered by items in the Fiscal section of this schedule.

- ◆ 12.[662] **Work/intermediate files**, records used to facilitate the processing of a specific job/run or to create, update, modify, transfer, export, import, manipulate, or sort data within an automated system, including "macro" or "startup" file or other electronic record created to preserve a combination of data elements and/or method of displaying these data elements

- a. When export, import or relational data file is used to supply data to or receive data from other system, or to exchange data between files in this system:

RETENTION: 0 after no longer needed

NOTE: This data may have secondary value beyond the purpose for which it is created. Consider additional uses for this data in determining when it is no longer needed.

- b. When all transactions are captured in a master file, central file, valid transaction file, or database, and the file is not retained to provide an audit trail:

RETENTION: 0 after the transaction is completed.

NOTE: This item does not cover intermediate files retained to recreate or document valid transactions, to serve as an audit trail, or needed for system recovery backup.

- c. When electronic file is needed to recreate or document a valid transaction, such as creation of a specific report or study:

RETENTION: Retain as long as the reports, studies and other principal records for which the file is created are retained.

NOTE: A local government's ability to recreate or properly document the output may be tied to long-term retention of these records. Contact the State Archives for additional advice regarding the long-term retention of electronic records.

- ◆ 13.[663] **Valid transaction files**, records used to update and/or document a transaction in database or master file including valid transaction files, database management system (DBMS) log, update files, and similar records, and not retained to document a program unit action or for fiscal audit purposes:

RETENTION: 0 after 3 database/master file backup cycles

NOTE: Records used to document a program unit's actions (e.g., receipt of a voucher, issuance of a check), as opposed to a strictly data processing transaction, or needed for fiscal audit or legal purposes, are covered by the relevant sections of this schedule.

- ◆ 14.[664] **Print files** (not used to document a transaction), source output data extracted from the system to produce hard copy publications, printouts of tabulations, ledgers,

registers, reports, or other documents when the files are not needed for audit purposes or to document program unit transactions:

RETENTION: 0 after all print runs are completed, output verified (if required), and local government has no need to reproduce the report

NOTE: Print files needed for fiscal audits or retained to document transactions are covered by the relevant sections of this schedule.

- ◆ 15.[665] **Audit trail files**, data generated during the creation of a master file or database used to validate a master file or database during a processing cycle:
RETENTION: 0 after 3 database/master file backup cycles

- ◆ 16.[666] **Data processing unit's copies of output reports**, data processing unit's copy of output reports produced for client program units:
RETENTION: 0 after output is distributed

- ◆ 17.[667] **Summary or extracted data files**, summary or aggregate data from a master file or database, including "snapshots" of data, created solely to distribute data to individuals or program units for reference and use, but not altered or augmented to support program-specific needs:
RETENTION: 0 after data is distributed

NOTE: Appraise these records for historical significance prior to disposition. Some snapshots of data, created and maintained as either electronic files saved to disk, tape or diskette, or as hard-copy output such as printed maps, or in both formats, may warrant longer retention. Contact the State Archives for additional advice on the creation and maintenance of these records.

- ◆ 18.[668] **Finding aids (indexes) or tracking systems**, electronic indexes, lists, registers, and other finding aids used only to provide access to the hard copy and electronic records in the custody of the data processing unit:
RETENTION: 0 after the related hard copy or electronic records have been destroyed

NOTE: Finding aids and tracking systems of program units other than data processing units are covered by the relevant sections of this schedule and are frequently covered by the same item covering related program records.

- ◆ 19.[669] **Automated tape library system files**, automated records used to control the location, maintenance, and disposition of magnetic media in a tape library:
RETENTION: 0 after related records or media are destroyed or withdrawn from the tape library

- ◆20.[670] **Reports on the destruction of files ("scratch reports")**, records containing information on the destruction of files stored on electronic media in a tape library:
RETENTION: 0 after superseded or (if required) management review and approval

- ◆21.[671] **Tape library control records**, records used to control the location, maintenance, and disposition of magnetic media in a tape library including list of holdings and control logs:
RETENTION: 0 after superseded

DATA ADMINISTRATION

- ◆1.[672] **Data/database dictionary records**, usually in an automated system, used to manage data in a local government's information systems including information on data element definitions, data structures or file layout, code tables, and other data attribute information or records that explain the meaning, purpose, logical relationships, ownership, use, or origin of data:
RETENTION: 0 after discontinuance or modification of the related application but not before the application's data is destroyed or transferred to a new structure or format

- ◆2.[673] **Data/database dictionary reports**, periodic printouts from a data/database dictionary system including data element attribute reports, database schema, and related records used for reference purposes:
RETENTION: 0 after superseded or obsolete

NOTE: The official copy of essential data documentation is covered by either item no. 648 or no. 672.

USER/OFFICE AUTOMATION SUPPORT

- ◆1.[674] **Site/equipment support files**, records documenting support services provided to specific data processing equipment or installations including site visit reports, program and equipment service reports, service histories, and correspondence and memoranda
 - a. Site visit reports, problem and equipment service reports, and routine correspondence and memoranda:

RETENTION: 3 years after creation

b. Service histories and other summary records:

RETENTION: 0 after the related equipment is no longer in use

◆2.[675] **Help desk telephone logs and reports**, records used to document requests for technical assistance and responses to these requests as well as to collect information on the use of computer equipment for program delivery, security, or other purposes:

RETENTION: 1 year after creation

◆3.[676] **Software review files**, records related to the review and recommendations for software for local government use including vendor information, manuals, software reviews, and related material:

RETENTION: 0 after obsolete

NETWORK/DATA COMMUNICATION SERVICES

◆1.[677] **Network site/equipment support files**, records documenting support services provided to specific sites and computer to computer interfaces on a network including site visit reports, trouble reports, service histories, and correspondence and memoranda

a. Site visit reports, trouble reports, and related correspondence:

RETENTION: 3 years after creation

b. Service histories and other summary records:

RETENTION: 0 after the related equipment or site is no longer in use

c. Routine records that do not contain substantial information on the maintenance history or site:

RETENTION: 1 year

◆2.[678] **Inventories of circuits**, automated or paper records containing information on network circuits used by the local government including circuit number, vendor, cost per month, type of connection, terminal series, software, contact person, and other relevant information about the circuit:

RETENTION: 0 after the circuit is no longer used by the local government

◆3.[679] **Network or circuit installation and service files**, copies of requests by local

governments to service provider for data communication service, installation, or repair and response to the request including work orders, correspondence, memoranda, work schedules, and copies of building or circuitry diagrams:

RETENTION: 1 year after request is filled or repairs are made:

- ◆4.[680] **Network usage files**, electronic files or automated logs created to monitor network usage including but not limited to login files and system usage files:
RETENTION: 0 after 3 system backup cycles after creation
- ◆5.[681] **Network usage reports**, summary reports and other records created to document computer usage for reporting or other purposes:
RETENTION: 1 fiscal year after creation
- ◆6.[682] **Network implementation project files**, local government records used to plan and implement a network including reports, justifications, working diagrams of proposed network, wiring schematics, and diagrams:
RETENTION: 0 after superseded

INTERNET SERVICES

- ◆1.[683] **Internet services logs**, electronic files or automated logs created to monitor access and use of local government services provided via the Internet, including, but not limited to, services provided via FTP (file transfer protocol), or website, or Telnet services:
RETENTION: 0 after 3 backup cycles, but not before relevant audit and documentation requirements have been met
- ◆2.[684] **Employee Internet use logs**, electronic files or automated logs created to monitor and control use of the Internet by employees, including but not limited to proxy server logs:
RETENTION: 0 after 3 backup cycles, but not before any appropriate review and verification

ENERGY

- ◆ 1.[167] **Energy consumption monitoring records** showing use of electricity or fuel or operation of heating and/or cooling equipment, or energy audit, when **not** relating to facility owned or operated by local government:
RETENTION: 1 year

NOTE: Energy consumption monitoring records showing use of electricity or fuel, operation of heating and/or cooling equipment, or environmental conditions (temperature, humidity, air quality) in various parts of publicly owned or operated building or other facility, is covered by item no. 878 in the Public Property and Equipment section.

- ◆ 2.[685] **Weatherization client case files**, covering assistance provided to individuals and families to improve heating efficiency and reduce fuel expenditures, including but not limited to application, income documentation, description of property and work needed to improve heating efficiency, results of energy efficiency testing, description of work performed, copies of fuel bills, fuel information form, landlord agreement, notes and correspondence:
RETENTION: 6 years after date of last entry

- ◆ 3.[686] **Master listing of clients** participating in weatherization program:
RETENTION: 6 years

- ◆ 4.[687] **Annual state plan** (final copy) for weatherization assistance program:
RETENTION: 6 years

- ◆ 5.[688] **Status report** on clients referred to local subgrantee agency:
RETENTION: 1 year

- ◆ 6.[689] **Interagency referral form**, maintained by referring agency:
RETENTION: 1 year

ENVIRONMENTAL HEALTH

NOTE: Records relating to laboratories are listed in the Public Health section, Laboratory subsection. Radiological health records are now found in that section as well. Lead poisoning records are covered by item no. 406 in the Public Health section, Miscellaneous subsection.

ANIMAL INDUSTRY AND VETERINARY MEDICINE

NOTE: See also item no. 608 in the Cooperative Extension Association section, Miscellaneous subsection.

- ◆ 1.[168] **Rabies and animal bite records**
 - a. Antirabies protection certificate:
RETENTION: 5 years
 - b. Records concerning certification of area for rabies, including but not limited to correspondence, notices, and copy of resolution:
RETENTION: 20 years
 - c. Investigation records for bite or other potentially dangerous contact with animal, including potentially rabid animal:
RETENTION: 6 years

MISCELLANEOUS

- 1.[169] **Environmental disturbance permit file:**
RETENTION: **PERMANENT**
- 2.[171] **Property acquisition or regulation file** documenting acquisition of real property or easements for drainage control or other environmental health purposes:
RETENTION: **PERMANENT**
- ◆ 3.[172] **Master summary record** of applications relating to realty subdivisions, private water supply, private sewage disposal systems, or hazardous substance (or petroleum) spill, release or investigation records:
RETENTION: **PERMANENT**

- ◆4.[170] **Spill, release or investigation records** covering hazardous substance or petroleum
 - a. Records of investigation of spill or release of hazardous substance exceeding minimum reportable quantity (as defined in *6NYCRR*, Section 597.2, Table 1):
 RETENTION: PERMANENT
 - b. Records of investigation of spill or release of hazardous or toxic substance **not** exceeding minimum reportable quantity (as defined in *6NYCRR*, Section 597.2, Table 1):
 RETENTION: 7 years after close of investigation
 - c. Records of investigation of spill or release of petroleum (as defined in *6NYCRR*, Section 597.1 (7)) exceeding 25 gallons:
 RETENTION: PERMANENT
 - d. Records of investigation of spill or release of petroleum (as defined in *6NYCRR*, Section 597.1 (7)) **not** exceeding 25 gallons:
 RETENTION: 7 years after close of investigation

- ◆5.[173] **State and local sanitary and related code violation records**, including locally enacted regulations, such as "clean indoor air acts"
 - a. Violation files:
 RETENTION: 3 years after violation abated
 - b. Alleged but unfounded violation files:
 RETENTION: 1 year after last entry
 - c. Master summary record (log or register) of complaints, violations and inspections:
 RETENTION: 3 years after last entry

- ◆6.[690] **Records of minor repairs, enlargements or cleaning** of drainage ditches, or in drainage districts, including but not limited to those defined in Sections 15-1943 and 15-1945, Environmental Conservation Law:
 RETENTION: 6 years after date of completion of work

- ◆7.[691] **Hazardous waste site identification records**, including survey of suspected hazardous waste disposal sites, including that created pursuant to Section 27-1303,

Environmental Conservation Law; copy of state registry listing of sites for a specific jurisdiction; review of registry listings; and determination and notification records for newly identified sites:

RETENTION: PERMANENT

- ◆ 8.[692] **Informational copies of reports and studies**, received from environmental facilities or from county or state agencies, including copies of reports created pursuant to Section 5-1.72 of *10 NYCRR*, public health hazard notification, or relating to unsatisfactory water samples, watershed rules violations, and water quality monitoring violations, including testing records and records of action taken by supplier of water to correct violations:

RETENTION: 0 after no longer needed

ENVIRONMENTAL FACILITIES: GENERAL

- ◆ 1.[693] **Capital construction or public improvement project file for environmental facility**, covering water treatment plant; public water supply system; wastewater treatment plant and disposal system; and solid waste management facility (including landfill gas recovery facility)

- a. Feasibility studies; successful bids; plans, specifications and designs; project description; in-progress and completion photographs; construction inspection reports; final or "as built" plans, maps, designs, sketches, architectural drawings and photographs; environmental impact statement; annual project statement; fiscal and other final reports; significant change orders; retrofitting records; and significant correspondence:

RETENTION: PERMANENT

NOTE: Some draft or intermediary plans, maps, designs, sketches or architectural drawings, or detailed construction specifications may need to be retained permanently under part "a," above, if they document significant changes with long-term fiscal and other implications. Local governments should review these records for these possible uses prior to disposition under part "b," below. Contact the State Archives for additional advice.

- b. Supplementary documentation, including interim fiscal reports, claims, contracts, vouchers, work orders, memoranda, worksheet, non-significant change orders; routine correspondence, detailed construction specifications and **draft or intermediary** plans, maps, designs, sketches or architectural drawings:

RETENTION: 6 years after completion of project or date of most recent entry, whichever is longer

c. Unsuccessful bids, to which contract is **not** awarded:

RETENTION: 6 years

d. All records, when project is proposed but **not** undertaken:

RETENTION: 6 years after date of last entry

NOTE: Appraise these records for historical significance prior to disposition. Certain records for important environmental facility projects that are proposed but not undertaken may have historical and other research value and should be retained permanently. Contact the State Archives for additional advice.

◆2.[181] **Permit or registration files for construction, operation and maintenance** of environmental facility, covering water treatment plant; public water supply system; wastewater treatment plant and disposal system; and solid waste management facility (including landfill gas recovery facility):

a. Permit, application, approval or disapproval; related plans, maps, specifications and engineering drawings; variance from New York state regulations, approval of use of emergency source of water, approval to supply water to or take water from other system, approval of fluoridation process, progress and inspection reports, final and annual reports, summaries of data collected relating to permit issuance, and significant correspondence:

RETENTION: **PERMANENT**

b. Routine correspondence, cover and internal memoranda, draft or intermediary plans, designs and photographs, detailed data that has been summarized in other records, and other records of transitory value:

RETENTION: 6 years after date of last entry

◆3.[183] **Component part** sketches, measurements, installation, inspection and maintenance records:

RETENTION: 6 years after part replaced or its use permanently discontinued

◆4.[694] **Automated operating system records**, covering Supply Control and Data Acquisition (SCADA) or equivalent systems, covering operation, monitoring, problems or emergencies, and maintenance of environmental facility

- a. Detailed data collected from sensors or monitors, and detailed reports generated from such data:

RETENTION: 0 after no longer needed

NOTE: Because of the amount of detailed data collected by such systems, such data may only be maintained online for a limited period of time. Some of this data may need to be retained longer to meet both administrative needs and legal requirements, such as those contained in Section 756.2(c), *6NYCRR*. It is recommended that local government environmental facilities store this data offline long enough to meet such requirements. Also, maintenance of a history file (see below) containing the most significant data elements may satisfy these administrative and legal needs.

- b. System operation history file, containing significant data and/or periodic data snapshots, generated from detailed system data:

RETENTION: 5 years

NOTE: Appraise these records for archival value. History files may contain valuable information to document system operation over a period of time. Contact the State Archives for additional advice in this area.

◆5.[184] Log or equivalent record containing information such as changes in pressure and level, proportion of chemicals present, operational changes, problems and emergencies, and personal observations

- a. Containing summary information collected at periodic intervals and information on significant readings, events or observations:

RETENTION: **PERMANENT**

- b. Containing all or routine information collected at frequent intervals:

RETENTION: 5 years

NOTE: If no logs containing summary information are generated, local government environmental facilities may wish to retain all or some records covered by part "b" of this item, for both long-term administrative use and for potential research purposes.

NOTE: Certain inspection logs of solid waste management facilities must be retained for 7 years after date of inspection. See item no. 712, below.

◆6.[185] **Charts, graphs and similar records** of pumpage, flow, pressure, emissions, temperature, levels of chemicals, and related information

a. Summary records showing long-term trends and developments:

RETENTION: PERMANENT

b. Records of original entry, containing significant information:

RETENTION: 10 years

c. Records of original entry, containing **only** routine information with no long-term value:

RETENTION: 1 year

NOTE: Some of these records may need to be retained longer to meet both administrative needs and legal requirements, such as those contained in Section 756.2(c), *6NYCRR*. Consult your attorney or counsel and the State Department of Environmental Conservation to determine which records, if any, must be retained longer than 1 year.

d. Intermediary records, compiled from records of original entry, but **not** showing long-term trends and developments:

RETENTION: 5 years

7.[186] **Operator qualifications records:**

RETENTION: 6 years after disapproval, renewal, or expiration of approval

◆8.[695] **Reports, studies or data queries**, including those generated from SCADA or equivalent environmental facility operating system (including documentation of macros, queries, and reports), when **not covered** by specific report items in this section:

RETENTION: 0 after no longer needed

NOTE: Appraise the records for archival value. Reports and studies documenting various aspects of system operation may be valuable for long-term planning and for historical and other research. Contact the State Archives for additional advice.

◆9.[696] **Environmental facility alarm, problem and emergency records**

a. Narrative records documenting serious problems or emergencies, including charts, graphs, and data necessary to support such records:

RETENTION: PERMANENT

- b. Records documenting minor or routine alarms or problems, including detailed data generated by automated systems when certain parameters are exceeded:
RETENTION: 5 years
- c. Contingency or similar plans to deal with emergency situations:
RETENTION: PERMANENT

ENVIRONMENTAL FACILITIES: PUBLIC WATER SUPPLY

- ◆ 1.[187] **Permits, approvals**, and related records, **excluding** those related to public water supply system construction or operation, covered by item no. 181, above.
 - a. Approval necessary for connection to public water supply system:
RETENTION: 6 years after connection no longer in use, or after denial of application
 - b. Waiver or variance from mandatory disinfection or other requirements:
RETENTION: 5 years after superseded or invalid
 - c. Permit files for fluoridation plans, backflow prevention devices, fire pump chlorinators, distribution of bottled or bulk water, or for interconnecting water systems, where local government agency issues permit:
RETENTION: 6 years after cessation of operation or denial of application
 - d. Informational copies of permit records for fluoridation plans, backflow prevention devices, fire pump chlorinators, distribution of bottled or bulk water, or for interconnecting water systems, where State Department of Health issues permit:
RETENTION: 0 after no longer needed
- ◆ 2.[188] **Reports and studies** relating to plant, system or facility operation
 - a. Annual and final reports (including annual report submitted to federal Environmental Protection Agency [EPA]), comprehensive water supply study and report, special studies and detailed reports, including facility inspection reports, reports on watershed rules and rules violations, sanitary

surveys, comprehensive performance evaluations, environmental facility monitoring, overall operational reports and reports of emergencies, containing summary or detailed information of long-term value:

RETENTION: PERMANENT

- b. Reports and studies covering routine information only, not covered by other item in this Schedule:

RETENTION: 0 after no longer needed

- c. Monthly operational report submitted to New York State Department of Health:

RETENTION: 5 years

NOTE: Appraise the records for archival value. Reports and studies documenting various aspects of system operation may be valuable for long-term planning and for historical and other research. Contact the State Archives for additional advice.

- d. Records relating to water quality monitoring violations, watershed rules violations or unsatisfactory water samples, and major changes in aquifer or watershed, including test results and records of corrective actions taken:

RETENTION: 5 years after superseded

NOTE: Appraise these records for long-term uses prior to disposition, warranting longer, if not permanent, retention. These records may be useful in the future in documenting cases of serious drinking water contamination. Contact the State Archives for additional advice.

◆3.[697] **Water systems periodic operation reports**, created pursuant to *10 NYCRR*, Section 5-1.72 (d) and forwarded to county health department or regional office of New York State Department of Health

- a. Report of microbiological sample results (copy retained by supplier of water):

RETENTION: 5 years

- b. Report of surface water systems, showing chemical and turbidity analyses, (copy retained by supplier of water):

RETENTION: 10 years

◆4.[189] **Reports** not relating directly to system or treatment facility construction or operation

- a. Operational and testing records for fire pump chlorinator, backflow prevention device, where local agency issues permit:
RETENTION: 5 years
- b. Informational copies of operational and testing records for fire pump chlorinator, backflow prevention device, where State Department of Health issues permit:
RETENTION: 0 after no longer needed
- c. Report of bottled or bulk water distribution:
RETENTION: 3 years
- d. Small privately owned water system detailed evaluations, including sanitary surveys and comprehensive performance evaluations:
RETENTION: 10 years after superseded
- e. Interstate water carrier reports and other records:
RETENTION: 10 years

◆5.[698] **Automated hydrological monitoring system records**, covering system infrastructure, system service area or aquifer

- a. Detailed data collected from sensors or monitors (both collected by this system or obtained from another source, such as a SCADA system), and detailed reports generated from such data:
RETENTION: 0 after no longer needed

NOTE: Because of the amount of detailed data collected by such systems, such data may only be maintained online for a limited period of time. Some of this data may need to be retained longer to meet both administrative needs and legal requirements. In some cases it may be necessary to maintain this detailed data as long as reports or studies based on the data are retained. It is recommended that local government environmental facilities store this data offline long enough to meet such requirements. Also, maintenance of a history file (see below) containing the most significant data elements may satisfy these administrative and legal needs.

- b. System operation history file, containing significant data and/or periodic data snapshots, generated from detailed system data:
RETENTION: 5 years

NOTE: Appraise these records for archival value. History files may contain valuable information to document system operation over a period of time. In some cases it may be necessary to maintain this detailed data as long as reports or studies based on the data are retained. Contact the State Archives for additional advice in this area.

- ◆6.[699] **Reports, studies, analytical models or data queries,** generated from hydrological monitoring system (including documentation of macros, queries, and reports), when **not covered** by specific report items in this section
 - a. Reports and studies documenting major system operational capabilities and proposed modifications, long-range water use planning and aquifer or watershed protection, and/or for long-term planning, for historical and other research, or leading to major future capital expenditures:
RETENTION: PERMANENT
 - b. Report and studies of short-term or transitory value, containing incomplete or otherwise invalid data, or drafts generated in the process of creating reports and studies covered by part "a," above:
RETENTION: 0 after no longer needed

- ◆7.[700] **Water supply emergency plan,** prepared pursuant to Section 1125, Public Health Law and Section 5-1.33 of *10 NYCRR*, including revisions and review records
 - a. Copy maintained by public water supplier:
RETENTION: PERMANENT
 - b. Copy held by local health agency:
RETENTION: 5 years after superseded

**ENVIRONMENTAL FACILITIES:
WASTEWATER TREATMENT**

- ◆1.[701] **Permits, approvals,** and related records, **excluding** those related to system or treatment facility construction or operation, covered by item no. 181, above, or those relating to receiving significant industrial or high-discharge users, covered by item no. 702, below.
 - a. Approval necessary for connection to wastewater disposal system:
RETENTION: 6 years after denial or approval

- b. Permit for septic tank cleaner or industrial waste collectors to deliver waste to treatment facility:
RETENTION: 6 years

◆2.[702] **Records relating to receipt and pretreatment of significant industrial or other high-discharge waste**

- a. Permits for discharge of effluent into wastewater treatment system and related records, such as copies of SPDES permits issued to waste generator, discharge monitoring reports, detailed intake records, and laboratory test results:
RETENTION: 6 years after denial, renewal or expiration of permit

- b. Summary records of waste received for treatment, including records relating to waste received that exceeds acceptable volume or content parameters:
RETENTION: 20 years

NOTE: Certain records covered by parts "b" and "c" relating to significant industrial or other high-discharge waste generation and disposal may warrant longer, if not permanent, retention, for administrative or research reasons. Contact the State Archives for additional information.

- c. Survey or similar records of significant industrial or other high-discharge waste generators in an area served by a specific wastewater treatment facility:
RETENTION: 5 years after superseded or obsolete

◆3.[703] **Reports and studies relating to plant, system or facility operation**

- a. Annual and final reports (except annual report submitted to federal Environmental Protection Agency [EPA]), comprehensive wastewater study and report, special studies and detailed reports, including facility inspection reports, sanitary surveys, environmental facility monitoring, overall operational reports and reports of emergencies, containing summary or detailed information of long-term value:
RETENTION: **PERMANENT**

- b. Annual report submitted to federal Environmental Protection Agency (EPA), also known as "503 report":
RETENTION: 5 years

NOTE: As a rule this report does not contain as useful information as do the monthly discharge and operation reports, covered by part "d," below. However, facilities which include more information in this report may wish to retain these reports longer, even permanently, for administrative or research reasons. Contact the State Archives for additional information.

- c. Filter inspection reports (such as sieve analysis) for wastewater treatment system:

RETENTION: 5 years

- d. Monthly discharge monitoring and operation reports, submitted to New York State Department of Environmental Conservation in conjunction with SPDES permit requirements:

RETENTION: 5 years after facility no longer in use

NOTE: Appraise the records for archival value. Data contained in these reports may be valuable for long-term planning and for historical and other research, warranting permanent retention of these records. Contact the State Archives for additional advice.

- e. Septic tank cleaner or industrial waste collector reports and related records:

RETENTION: 6 years

- f. Reports and studies covering routine information only, not covered by other item in this Schedule:

RETENTION: 0 after no longer needed

- ◆4.[704] **Records relating to sludge, biosolids, unprocessable solids or other waste byproduct** produced as a result of wastewater treatment process, including both detailed records of waste byproducts generated, including laboratory test results and individual load transfer records, and summary records of waste byproducts produced (including unprocessable solids) and disposed of by facility:

RETENTION: 5 years

NOTE: Certain records relating to sludge, biosolids, unprocessable solids or other waste byproduct produced as a result of wastewater treatment process may warrant longer, if not permanent, retention, for administrative or research reasons. Contact the State Archives for additional information.

- ◆5.[705] **Records relating to leachate received from solid waste management facilities**

for processing, including both detailed records of leachate received, including laboratory test results and individual load delivery records and summary reports and other records of leachate received and disposed of:

RETENTION: 5 years

NOTE: Certain records relating to leachate received from solid waste management facilities for processing may warrant longer, if not permanent, retention, for administrative or research reasons. Contact the State Archives for additional information.

- ◆6.[706] **Co-composting records**, including but not limited to testing records for materials used and product generated, and marketing and distribution records, including both detailed records, including laboratory test results and individual load delivery records and summary reports and other records of materials used and compost generated and its distribution:

RETENTION: 5 years

NOTE: Certain records relating to co-composting may warrant longer, if not permanent, retention, for administrative or research reasons. Contact the State Archives for additional information.

ENVIRONMENTAL FACILITIES: SOLID WASTE MANAGEMENT FACILITIES

NOTE: Records relating to co-composting facilities are covered in the Environmental Facilities: Wastewater Treatment subsection, immediately above.

NOTE: Records relating to disposal of sludge, biosolids, unprocessable solids or other waste byproduct produced as a result of wastewater treatment process, are covered by item no. 704, above. Records relating to public educational recycling programs are covered by item nos. 11 and 12 in the General section.

- ◆1.[707] **Permit for use of solid waste management facility** by business or resident of local government:

RETENTION: 6 years after denial or expiration of permit

- ◆2.[708] **Reports and studies** relating to plant, system or facility operation

- a. Annual summary reports, final reports, special studies and detailed reports, including facility inspection reports, environmental facility monitoring, overall operational reports and reports of emergencies, water

quality records, containing summary or detailed information of long-term value:

RETENTION: PERMANENT

- b. Quarterly or monthly or operational reports, including reports of exceedances generated by resource recovery facilities and condensate sampling reports of landfill gas recovery facilities:

RETENTION: 10 years

NOTE: Appraise the records for archival value. Reports documenting various aspects of system operation may be valuable for long-term planning and for historical and other research. Contact the State Archives for additional advice.

- c. Detailed tonnage or similar reports (**including** summary reports or other records generated from individual load delivery records) which contain significant information, for solid waste management facility:

RETENTION: 10 years

- d. Monthly discharge monitoring and operation reports, submitted to New York State Department of Environmental Conservation in conjunction with SPDES permit requirements, for use of water as coolant, including thermal water temperature data:

RETENTION: 5 years

- e. Reports and other records of unauthorized waste collected and its final disposition, created pursuant to Section 360-1.14 (i-1), *6NYCRR*:

RETENTION: 5 years

- f. Reports and studies covering routine information only, not covered by other item in this Schedule:

RETENTION: 0 after no longer needed

◆3.[190] **Hazardous waste collection and disposal records**

- a. Summary reports and other records of substances and quantities collected and disposed of by outside transfer:

RETENTION: PERMANENT

- b. Individual load delivery and other detailed records, including manifest form:

RETENTION: 10 years

NOTE: Certain records covered by part "b" may warrant longer retention for legal and administrative reasons, because of the toxic nature of materials collected and transported for disposition at another site. Contact your attorney or counsel to determine if longer retention of these records is necessary.

- c. Contract for removal of materials collected, along with related performance bond or certificate of insurance:
RETENTION: 6 years after superseded or invalid

◆4.[191] **Individual load delivery records** for solid waste management facility (including materials recycling facility - MRF), including "scalehouse" information records

- a. Individual load delivery records for residential waste:
RETENTION: 6 years*
- b. Individual load delivery records for **other than** residential waste:
RETENTION: 10 years*
- c. Summary reports and other records created from individual load delivery records:
RETENTION: 10 years

***NOTE:** The individual load delivery records may be disposed of after 1 year, providing the summary records created from them contain sufficient information on the date of disposal, name of the generator, transporter and disposer of the waste, types and quantity of waste disposed. To ascertain if the summary records suffice to meet requirements of the State Department of Environmental Conservation, contact D.E.C.'s Division of Solid and Hazardous Materials at (518) 402-8660.

- d. Reports and studies covering routine information only, not covered by other item in this Schedule:
RETENTION: 0 after no longer needed
- e. Automated "scalehouse" data file, containing information on type, weight and source of waste collected and disposed of, as well as billing information:
RETENTION: 10 years after information is superseded or invalid

◆5.[192] **Proof of liability insurance coverage** (insurance policy, certificate of insurance)

or equivalent record), and proof of financial assurance for solid waste management facility

- a. For landfill:
RETENTION: 30 years after closure of landfill
- b. For solid waste management facility other than landfill:
RETENTION: 6 years after closure of facility

- ◆6.[193] **Recycling marketing records**, including but not limited to annual, final or summary reports and studies, and background files on markets and materials:
RETENTION: 6 years

NOTE: Routine marketing reports and other records are covered by item no. 708f, above.

- ◆7.[194] **Recycling waste collection** annual or summary records and reports, including necessary supporting data:
RETENTION: **PERMANENT**

- ◆8.[709] **Records relating to ash, leachate, or other waste byproduct** generated and/or disposed of by solid waste management facility

- a. Detailed records of waste byproducts generated, including laboratory test results, leaching potential test report and individual load transfer records:
RETENTION: 5 years
- b. Summary records of waste byproducts generated and/or disposed of by facility:
RETENTION: 10 years

NOTE: Certain records covered by parts "a" and "b" relating to ash, leachate other waste byproduct generated and/or disposed of by solid waste management facility may warrant longer, if not permanent, retention, for administrative or research reasons. Contact the State Archives for additional information.

- ◆9.[710] **Local solid waste management plan**, created pursuant to Section 27-0107, Environmental Conservation Law, covering all updates, and including necessary supporting documentation:
RETENTION: **PERMANENT**

- ◆ 10.[711] **Research, development or demonstration project or program files**, including required permits and related records created pursuant to Section 360-1.13, 6 NYCRR, official copy of publications, videotapes, or informational literature prepared as a result of the project, background materials and supporting documentation:

RETENTION: 6 years after project or program ends

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. If research, development or demonstration projects or programs deal with significant subjects of a scientific or public improvement nature, then certain documentation from these files, such as summary reports and resulting publications, should be retained permanently.

- ◆ 11.[712] **Self-inspection records of solid waste management facility**, created pursuant to Section 360-1.14 (f-3) and (i-2), including inspection log:

RETENTION: 7 years from date of inspection

- ◆ 12.[713] **Landfill closure records**, including but not limited to site investigation records, conceptual and final closure plans, environmental and facility monitoring records, close and post-closure registration report, closure construction certification report, and periodic inspection reports

- a. All records, except periodic routine inspection reports, routine notes, memoranda, correspondence and detailed data collected as part of project:

RETENTION: PERMANENT

- b. Routine notes, memoranda, correspondence and detailed data collected as part of project:

RETENTION: 30 years after date of closure

- c. Periodic routine inspection reports:

RETENTION: 7 years after date of closure

EXECUTIVE, MANAGER, AND/ OR ADMINISTRATOR

- 1.[198] **Executive, Manager, or Administrator's office files**, including but not limited to correspondence, memoranda, reports, studies, publicity items, non-record copies of contracts, and other legal documents
- a. Where file documents a significant subject, or major policy-making or program-development process:
RETENTION: PERMANENT
 - b. Where file documents routine activity:
RETENTION: 6 years

FISCAL

AUDIT

- ◆ 1.[214] Report of audit of financial affairs
 - a. Audit filed pursuant to Section 35, General Municipal Law, conducted by Office of the State Comptroller or by New York City Comptroller or by an outside auditing firm:
RETENTION: PERMANENT
 - b. Other external audits:
RETENTION: 6 years
 - c. Internal audits, conducted by local government officials:
RETENTION: 6 years
- 2.[215] Audit background documentation, including summaries, posting records, and related records created by an auditing office as part of the auditing procedure:
RETENTION: 6 years
- 3.[216] Audit hearing or review file:
RETENTION: 6 years after audit accepted

BANKING AND INVESTMENT

- 1.[217] Banking communications, including but not limited to bank statement, reconciliation, notification of voiding or return of check, cancellation of payment, or other notice for checking or savings account:
RETENTION: 6 years
- 2.[218] Canceled check (including payroll check), or other instrument of payment, such

as bank check, warrant check, order check, or order to fiscal officer to pay when used as a negotiable instrument, including voided check:

RETENTION: 6 years

NOTE: It is recommended that a list of destroyed unused checks be created and maintained for legal or audit purposes.

3.[219] Copy of check or check stub:

RETENTION: 6 years

4.[220] Depository agreement, including designation of depository, bond or surety, or other record relating to deposition of local government funds:

RETENTION: 6 years after agreement, contract, designation, bond or surety has expired or been superseded or rescinded

5.[221] Deposit book for checking account:

RETENTION: 6 years after date of most recent entry

6.[222] Deposit book for savings account:

RETENTION: 6 years after cancellation

7.[223] Deposit slip:

RETENTION: 6 years

BONDS AND NOTES

NOTE: The following record series provide disposition authority for records related to the issuance of bonds, notes or obligations. However, the actual bonds, notes or obligations are not covered by these items. Instead, bonds, notes or obligations may only be destroyed pursuant to Section 63.10 of the Local Finance Law. Questions should be addressed to the Office of the State Comptroller, Division of Legal Services, 110 State Street, Albany, NY 12236; phone, (518) 474-5586.

◆ 1.[224] Bond issue preparation file, covering bonds issued by local governments

a. Master summary record of bonds issued:

RETENTION: PERMANENT

b. Other records, including those relating to bond attorneys, preparation

the prospectus, prospectus distribution to bond buyers, bond printing, list of prospective or actual buyers, bond printing bids, bond ratings, and proof of publication of notice of estoppel:

RETENTION: 6 years after bond issue retired

2.[225] **Bond or note issue and cancellation register**, including information on the type, amount, number of obligations in issue, rate of interest, date of maturity, holders, cancellation of the bond or note, and other pertinent information:

RETENTION: 6 years after cancellation of last bond or note

◆3.[226] **Debt-contracting power statement** filed with Office of the State Comptroller before sale of bonds:

RETENTION: 6 years after bond issue retired

◆4.[227] **Master summary record of bonds, notes, or securities** purchased by the government for investment, identifying the security, the fund for which held, the place where kept, and listing the date of sale and the amount realized:

RETENTION: PERMANENT

◆5.[228] **Periodic reports and similar records** of yield received from or status of bonds, notes, securities or other obligations purchased for investment:

RETENTION: 6 years after bond issue retired

◆6.[717] **Records relating to exclusion of self-liquidating indebtedness** by a local government, including copy of application filed with Office of the State Comptroller, notice and proof of publication, and State Comptroller's written certificate:

RETENTION: 6 years after date of certificate

BUDGET

◆1.[46] **Budget preparation file** for budget request or estimate submitted by department head, including but not limited to the preliminary or tentative budget, budget appropriation and staffing requests, estimates of revenues or expenditures, narrative of services, budget message, budget hearing and review files, and related records:

RETENTION: 6 years

2.[49] **Annual budget**

a. Official copy when not included in minutes:

RETENTION: PERMANENT

- b. When budget is included in minutes:
RETENTION: 0 after officially recorded in minutes
- c. Reporting office copy:
RETENTION: 0 after no longer needed

3.[50] **Special budget** filed with state or federal agency:

RETENTION: PERMANENT

4.[51] **Budget status report** on allocation, receipts, expenditures, encumbrances, and unencumbered funds

- a. Cumulative report:
RETENTION: 6 years
- b. Monthly or quarterly report:
RETENTION: 1 year

5.[52] **Budgetary change request**, (if not included in minutes) including approval or denial for change in approved budget and including but not limited to transfer of funds from one budget item to another, overtime authorization, or request for supplemental funds:

RETENTION: 6 years

◆6.[718] **Copies of county, town or other budgets**, received and maintained for informational purposes:

RETENTION: 0 after no longer needed

CLAIMS AND WARRANTS

◆1.[229] **Claim for payment** (approved or disallowed), including claim, vendor's voucher and bill:

RETENTION: 6 years

2.[231] **State or federal-state reimbursement claim file (federal revenue sharing)**, including but not limited to summary and detail of claim, worksheets and other supporting documents:

RETENTION: 6 years

- 3.[232] Summary record of outstanding or paid warrants or claims:
RETENTION: 6 years
- 4.[233] Notice of claim record and index as required by Section 50-f of the General Municipal Law:
RETENTION: 6 years after final disposition of claim
- 5.[234] Order or warrant to pay monies
 - a. For any funds held in a savings bank:
RETENTION: 20 years
 - b. For any funds not held in a savings bank:
RETENTION: 6 years
- 6.[235] Outstanding warrants listing, including adding machines tapes:
RETENTION: 6 years
- 7.[236] Assignment of claim:
RETENTION: 6 years after satisfaction or 10 years, whichever is less

GENERAL ACCOUNTING AND MISCELLANEOUS

- ◆ 1.[199] General ledger showing summary receipts and disbursements from all funds and accounts:
RETENTION: 6 years after last entry

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. General ledgers containing detailed entries that include information on nature of transaction and parties involved may be valuable in documenting financial transactions involving a local government.
- ◆ 2.[200] Subsidiary ledger providing details of the general ledger accounts:
RETENTION: 6 years after last entry

NOTE: This does not apply to subsidiary ledgers of municipal electric utilities. See item no. 158 in the Electric and Gas Utility section.

NOTE: Appraise these records for historical significance prior to disposition.

Records with historical value should be retained permanently. Subsidiary ledgers containing detailed entries that include information on nature of transaction and parties involved may be valuable in documenting financial transactions involving a local government, if this detailed information is not contained in general ledgers.

- ◆3.[201] Journal recording chronological entries of all fiscal transactions:
RETENTION: 6 years after last entry

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. Journals containing detailed entries that include information on payor, payee and purpose may be valuable in documenting financial transactions involving a local government.

- 4.[202] Accounting register, including but not limited to check register, transfer of funds register, encumbrance register, and register of claims presented for payment and paid claims:

RETENTION: 6 years after last entry

- 5.[203] Cash transaction record showing cash received from collection of various fees and petty cash disbursed:

RETENTION: 6 years

- 6.[204] Tolls or fares collection record, including but not limited to record of receipts and log of operations:

RETENTION: 6 years

- 7.[205] Daily cash record, including adding machine tapes, cashier's slips showing daily cash receipts and analysis of cash receipts:

RETENTION: 6 years

- ◆◆8.[206] Notice of encumbrance indicating funds encumbered and amount remaining unencumbered:

RETENTION: 6 years

- ◆◆9.[207] Past due account fiscal records and summaries:

RETENTION: 6 years after account satisfied or otherwise closed

- 10.[208] Intermediary fiscal record of receipts and disbursements, including but not limited to detail record, analysis, proof sheet or trial balance worksheet, and adding machine tapes: **RETENTION:** 6 years

- 11.[209] Abstract of receipts, disbursements, or claims:

RETENTION: 6 years

12.[210] **Billing records covering services provided by local government**

a. Customer's individual account:

RETENTION: 6 years after last entry

b. Records used to determine billing and charges including "flat rate" computation record and copies of bills and charge slips:

RETENTION: 6 years

c. Billing address records:

RETENTION: 0 after superseded or obsolete

13.[211] **Bill of sale** of property owned by local government other than real property:

RETENTION: 6 years

14.[212] **Sales tax records**, covering sales tax collected by local governments and transmitted to State Department of Taxation and Finance:

RETENTION: 6 years

15.[213] **Tax exemption records**, showing that local government is exempt from paying sales, use or other taxes:

RETENTION: 1 year after superseded or obsolete

◆ 16.[719] **Payment recoupment records**, documenting the process of recovering monies paid erroneously by local government to employee, vendor or other payee:

RETENTION: 6 years after date of most recent entry in record

17.[237] **Receipt (received) or copy of receipt (issued)** other than for payment of taxes:

RETENTION: 6 years

◆ 18.[720] **Grant, award or gift files**, covering grants, awards and gifts given by local governments to other local governments, not-for-profit corporations, businesses or individuals

a. Master summary record of grants, awards or gifts:

RETENTION: PERMANENT

b. Detailed records of grants, awards and gifts, excluding master summary record:

RETENTION: 6 years

- ◆ 19.[721] **Credit card records** documenting payments received by credit cards or electronic transactions, including credit card payment receipts, and statements showing amounts of payments received and fees deducted:
RETENTION: 6 years

PAYROLL

NOTE: The copy of payroll, or payroll report, submitted to civil service office for certification or approval, is covered by item no. 748 in the Personnel/Civil Service section, Civil Service subsection.

NOTE: The State Archives does not prescribe the amount of detail and nature of information necessary to be maintained for salary verification for retirement and social security purposes. Contact the Office of the State Comptroller or other retirement system to verify that you are maintaining the necessary payroll information.

- ◆ 1.[291] **Payroll**, including information on gross and net pay, base pay, taxes, and other deductions
 - a. Year-end payroll, including detailed information necessary for salary verification for retirement and social security purposes:
RETENTION: 55 years
 - b. Periodic payroll, including detailed information necessary for salary verification for retirement and social security purposes, when **no** year-end payroll is maintained **or** year-end payroll does not contain this required detailed information:
RETENTION: 55 years
 - c. Periodic payroll, **not** including detailed information necessary for salary verification for retirement and social security purposes:
RETENTION: 6 years
 - d. Warrant authorizing payment of salaries based on a specific payroll, if maintained separate from payroll itself:
RETENTION: 6 years
 - e. Preliminary draft of payroll:
RETENTION: 0 after warrant authorizing payment of salaries is

signed

- f. Local government's information copy of school, fire or special district payroll:
RETENTION: 0 after no longer needed

◆2.[292] Payroll or related report covering all employees or an individual employee, and not covered by specific item in this section

- a. When needed for audit or other fiscal purposes:
RETENTION: 6 years
- b. When not needed for audit or other fiscal purposes:
RETENTION: 0 after no longer needed

NOTE: Local governments may wish to retain records covered by item nos. 292 and 293 longer for social security or retirement documentation purposes.

3.[293] Payroll distribution breakdown record used to distribute or classify labor costs:
RETENTION: 6 years

4.[294] Summary record of employee's payroll changes:
RETENTION: 6 years after termination of employment

5.[295] Employee's time cards, sheets, or books:
RETENTION: 6 years

6.[296] Record of employee absences or accruals

NOTE: This item does not apply to an employee's time cards or sheets.

- a. When not posted to periodic cumulative time summary record:
RETENTION: 6 years
- b. When posted to periodic cumulative time summary record:
RETENTION: 1 year

◆7.[297] Employee request for and/or authorization given to employee to use or donate sick, vacation, personal or other leave, or to work overtime:
RETENTION: 6 years

- 8.[298] Record of assignments, attachments, and garnishments of employee's salary
- a. When employment was terminated prior to satisfaction:
RETENTION: 6 years after termination of employment
 - b. When satisfied:
RETENTION: 5 years after satisfaction
- ◆9.[299] Employee's voluntary payroll deduction request form:
RETENTION: 5 years after authorization expires
- 10.[300] Schedule or other notification from issuing bank showing savings bond purchased for employee:
RETENTION: 5 years after latest bond issue
- ◆11.[301] Employee's personal earnings record used to prove end-of-year total earnings, retirement or other deductions and taxes withheld:
RETENTION: 6 years
- NOTE:** Local governments may need to retain these records longer for social security or retirement documentation purposes.
- 12.[302] Employee's declaration of intention to accept or reject Social Security:
RETENTION: 10 years after employee dies or reaches age 75, whichever is shorter
- ◆13.[303] Quarterly or other periodic report of wages paid prepared for Social Security, and report of any adjustments or corrections:
RETENTION: 6 years after year in which wages were reported
- 14.[304] Copy of federal determination of error in wage reports (Form OAR-S30 or equivalent record):
RETENTION: 6 years after determination received
- 15.[305] Payroll report submitted to New York State Employee's Retirement System, Policemen's and Firemen's Retirement System, or any other official pension system:
RETENTION: 6 years
- ◆◆16.[306] Employer's copy of Annual Federal Tax Return (Form 940), Quarterly Federal Tax Return (Form 941E) and Continuation Sheets (Form 941a), Notice of Tax Return Due (Form TY 14), or equivalent forms:
RETENTION: 4 years after tax paid

- ◆◆17.[307] Employer's copy of U.S. Information Return for Calendar Year (Form 1099), Withholding Tax Statement (Form W-2) or Transmittal of Wages and Tax Statements (Form W-3), or equivalent forms:
RETENTION: 4 years
- ◆◆18.[308] Employee's Withholding Exemption Certificate (Form W-4), or equivalent form:
RETENTION: 4 years after a superseding certificate is filed or employment is terminated
- ◆◆19.[309] Employer's copy of New York state income tax records relating to employees:
RETENTION: 4 years after tax was paid
- ◆20.[722] Direct deposit records, covering direct deposit of employee's salary, including but not limited to application to begin or terminate direct deposit, and transaction log or similar reports:
RETENTION: 5 years after authorization expires
- ◆21.[723] Employee's declaration of intention to decline membership or participation in retirement system or benefit plan, including copy of written notification of options provided employee by local government
- a. For retirement system:
RETENTION: 6 years after termination of employment
- NOTE: Local governments may wish to retain these records for the life of the employee. State legislation in effect between 1993 and 1996 allowed for retroactive retirement system membership, for employees who were not previously offered membership, and the possibility exists that similar legislation may be passed into law in the future. If this occurs, these declarations of non-membership may be valuable for local governments to document intentions of present or former employees.
- b. For benefit plan:
RETENTION: 6 years after termination of employment

PURCHASING

- ◆1.[496] Purchase order, purchase requisition, or similar record, used to obtain materials, supplies, or services:
RETENTION: 6 years

- ◆◆2.[498] Purchasing file, including but not limited to bid (successful, unsuccessful), contract, specifications and related records for purchase of materials, supplies and services not connected with capital construction:
RETENTION: 6 years after completion of purchase or 6 years after final payment under contract, whichever is later
- NOTE:** For capital construction, see item no. 415 in the Public Property and Equipment section and item no. 544 in the Transportation and Engineering section. Local governments may wish to retain records documenting purchases for additional periods if those records may be needed for warranty claims concerning the purchased items.
- 3.[499] Vendor file, including but not limited to list of vendors doing business with the local government, vendor evaluation forms, price lists or other information received from vendors:
RETENTION: 0 after obsolete
- 4.[500] Performance guarantee or written warranty for products or similar record:
RETENTION: 6 years after expiration
- ◆5.[501] Invoice, packing slip, shipping ticket, copy of bill of lading or similar record used to verify delivery and/or receipt of materials or supplies:
RETENTION: 6 years
- ◆6.[502] Invoice register, or similar record used to list invoices:
RETENTION: 6 years after last entry
- 7.[504] List or abstract of purchase orders, claims or contracts:
RETENTION: 6 years
- 8.[505] Standing order file, used for purchase of materials and supplies which are received on a regular basis:
RETENTION: 6 years
- ◆9.[724] Chargeback records, showing specific fund to be charged for in-house expenditure:
RETENTION: 6 years
- ◆◆10.[905] Canceled bids file, including purchase requisitions, vendor solicitations, requests for proposals (RFPs), price quotations and related records concerning bids for goods or services which were canceled without a purchase being completed:
RETENTION: 1 year after subsequent procurement of the same goods or services completed under a re-initiated procurement, or 1 year after decision not to purchase such goods or services

REPORTS

- 1.[238] **Daily, weekly, monthly, quarterly, or other periodic fiscal reports**, including but not limited to daily funds report, daily cash report, statement of monthly balances, recapitulation of disbursements, and departmental reports:
RETENTION: 6 years

- 2.[239] **Annual or final fiscal reports**
 - a. When report is **not** included in minutes:
RETENTION: PERMANENT

 - b. When report **is** included in minutes:
RETENTION: 0 after officially recorded

- 3.[240] **Fiscal reports from state agencies:**
RETENTION: 6 years

- 4.[241] **Fiscal report** on management of court funds and of securities or depositories in which court funds are invested or deposited:
RETENTION: 6 years

- 5.[242] **Certificate, demand or direction to fiscal officer to pay monies:**
RETENTION: 6 years

- 6.[243] **Verification of travel expenses**, including but not limited to certificate of accuracy and receipts:
RETENTION: 6 years

HUMAN RIGHTS/ECONOMIC OPPORTUNITY

- ◆1.[244] **Individual complaint or problem case file** of human rights, economic opportunity, equal employment, community relations or similar function, including individual case summary record

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. Local governments should consider permanent retention of significant cases handled at the local level. Contact the State Archives for additional advice in this area.

- a. For case handled at local level (includes cases referred to New York State Division of Human Rights but **returned** to local agency for adjudication):
RETENTION: 6 years after last entry
- b. For case referred to New York State Division of Human Rights:
RETENTION: 2 years after last entry

NOTE: Agencies may wish to retain records covered by parts “a” and “b” of this item beyond the minimum retention period for use in establishing patterns of complaints and for investigating and resolving future complaints. For records of affirmative action cases involving local government employees, see item no. 317c in the Personnel/Civil Service section, Personnel subsection.

- 2.[245] **Summary record for individual case and/or master summary record of all cases:**
RETENTION: PERMANENT

- ◆3.[731] **Periodic statistical or narrative activity or progress reports** on human rights or economic opportunity office activities:
RETENTION: 6 years

NOTE: Appraise these records for historical significance prior to disposition. Periodic reports containing summary information not found in annual reports may have continuing value for historical or other research and should be retained permanently.

INSURANCE

NOTE: Proof of liability insurance coverage must be retained longer for solid waste management facilities. See item no. 192 in the Environmental Health section.

- ◆1.[246] **Insurance (including self-insurance) case records, except** workers' compensation case record, including but not limited to notice of claim, copies of filed court documents, accident reports, medical reports, motor vehicle reports, appraisal report, copy of check, correspondence, and other supporting documentation:

RETENTION: 6 years after claim closed, but not until any minor reaches age 21, whichever is later

NOTE: The local government may wish to retain the release longer for convenience of reference. Proof of liability insurance coverage must be retained longer to cover claims relating to exposure to asbestos and other toxic substances. Consult your counsel or attorney to ensure that insurance policies and other appropriate documentation are retained as long as needed.

- ◆2.[247] **Workers' compensation case records (including Volunteer Firefighters Benefit Law) case records**

- a. If claim allowed:

RETENTION: 18 years after injury or illness, but not less than 8 years after last payment

- b. If claim disallowed after trial, or case otherwise disposed of without an award after the parties have been given due notice:

RETENTION: 7 years after injury or illness

NOTE: The employee injury record must be retained for 18 years after date of accident or injury, as required by Section 110, Workers' Compensation Law, even for disallowed claims. See item no. 741 in the Personnel/Civil Service section.

- ◆3.[248] **Master summary record** (log or register), of all (including workers' compensation) claims:

RETENTION: 0 after all claims and/or cases listed in master summary record have been disposed of

- ◆4.[249] **Insurance policy** covering fire, theft, property damage, personal injury liability,

general liability, insurance of life or property, when **no outstanding claims are involved:**

RETENTION: 6 years after expiration, or until the report on examination is filed, whichever is later

5.[250] **Workers' compensation and employer's liability insurance policy**, when no outstanding claims are involved:

RETENTION: 18 years after expiration

6.[251] **Title insurance policy**, when **no** outstanding claims are involved:

RETENTION: 20 years after expiration

◆7.[252] **Certificate of insurance** certifying as to name of insured, type of insurance, limits of liability, date of expiration and policy number, when **no** outstanding claim is involved, **except** a certificate of insurance certifying as to a security bond or undertaking:

RETENTION: 6 years after expiration

NOTE: For the exceptions mentioned above, see item no. 326 in the Personnel/Civil Service section, item no. 596 in the Building and Property Regulation section, item no. 220 in the Fiscal section, item no. 192 in the Environmental Health section and item no. 415 in the Public Property and Equipment section.

8.[253] **Insurance appraisal and/or survey:**

RETENTION: 0 after superseded or obsolete

MISCELLANEOUS

- ◆1.[276] Ombudsman/referral service records covering citizen complaint services, landlord/tenant advisory services, job placement consultation, handicapped person's assistance, and related services, including but not limited to log or master index, copies of complaints, intakes and referrals, and individual case file materials
- a. Relating to other than routine services or activities:
RETENTION: 6 years after final disposition of matter
- b. Relating to routine services or activities:
RETENTION: 1 year after final disposition of matter
- ◆2.[277] Noise level monitoring records, including but not limited to summary records, showing long-term trends and developments and original entry and intermediary records, including charts, graphs and statistics:
RETENTION: 6 years
- NOTE:** Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. Local governments should consider permanent retention of summary records, showing long-term trends and developments, in cases where noise levels are a matter of public concern. Contact the State Archives for additional advice in this area.
- 3.[280] Governmental establishment and reorganization records, covering establishment, incorporation, annexation, consolidation, dissolution or charter revision, for political subdivision, including but not limited to petitions, special studies and surveys, correspondence with state agencies, records of voter action and reports:
RETENTION: PERMANENT
- 4.[281] Census records of all regular and special local, New York state and federal censuses:
RETENTION: PERMANENT
- ◆◆5.[906] Annual financial disclosure statements, filed by local political party official or candidate for local elected office, pursuant to Section 812.1 (a), General Municipal Law:
RETENTION: 7 years
- ◆6.[733] Financial or political interest disclosure records, filed by vendor or contractor

doing business with the local government:

RETENTION: 6 years

- ◆7.[282] Minority- and women-owned business files, covering minority- and women-owned businesses doing business with or in the jurisdiction of a local government

a. Summary record listing businesses, eligibility criteria and official government policy statement:

RETENTION: PERMANENT

b. Detailed application/questionnaire/response completed by business:

RETENTION: 5 years after date of most recent entry in record

NOTE: Appraise these records for historical significance prior to disposition. If the local government uses its own rather than statewide criteria for approving these businesses, then these records may document minority- and women-owned business operating in the community.

c. Directory of state-approved minority- and women-owned businesses, supplied by State Department of Economic Development:

RETENTION: 0 after superseded

d. Other records, including job quotes, bid lists, referrals, credit and character references and affidavits, but not including summary record, detailed application/questionnaire/response, eligibility criteria and official government policy statement, and state-supplied directory of businesses:

RETENTION: 6 years after contract expiration

- ◆8.[283] Record of gifts and bequests to a local government, including copy of will, copies of deeds, maps and surveys (if applicable) and records of establishment of and use of monies generated by trust fund or endowment

NOTE: This does not apply to donations of real property, which are covered by item no. 412 in the Public Property and Equipment section.

a. When trust fund or endowment is involved:

RETENTION: PERMANENT

b. For gift of work of art, historical or other artifact or historical manuscript:

RETENTION: PERMANENT

c. For gift or bequest not covered under parts "a" or "b", or by note above:

RETENTION: 6 years

- ◆9.[734] Community service records, showing time worked and type of tasks performed by person sentenced by court to community service:

RETENTION: 6 years, or 3 years after individual attains age 18, whichever is longer

- ◆◆10.[735] Miscellaneous non-government records, received by local government:

RETENTION: 0 after no longer needed

NOTE: Appraise these records for historical significance prior to disposition. Records which document the history of the community and its citizens may have continuing value for historical or other research and should be retained permanently. These records may contain valuable information which supplements records created by the local government itself. Records not retained permanently may be offered to a local historical records repository. Contact the State Archives for additional advice.

NOTE: Upon the receipt of these non-public records by a local government, these records become "local government records." Published materials received by a local government are not considered to be public records.

- ◆11.[736] Photographs or other visual media records, created by a local government, which are not part of a record series listed elsewhere in this Schedule:

RETENTION: 0 after no longer needed

NOTE: Appraise these records for historical significance prior to disposition. Some photographs and other visual media records may have continuing value for historical or other research and should be retained permanently. Contact the State Archives for additional advice.

- ◆12.[737] Child abuse or maltreatment reports and related records, reporting agency copy:

RETENTION: 3 years

NOTE: This item covers copies of child abuse and maltreatment reports and related records retained by agencies reporting suspected abuse and maltreatment to the State Central Register or to child protective services units of county social services departments. Reporting agencies may be in such areas as education, youth services and recreation. Reporting copies maintained by law enforcement agencies are covered by item no. 473 in the Public Safety section.

- ◆13.[738] Lobbying activity records, including but not limited to registration records,

individual reporter designation records, and periodic reports of lobbying activity filed with New York Temporary State Commission on Lobbying:

RETENTION: 3 years

◆14.[739] Project review records, covering projects requiring approval by the Adirondack Park Agency, Lake George Commission, or other government entity or agency, where local government receives records for comment or review, or for informational purposes

a. When permit or other approval must be granted by local government involved:

RETENTION: Retain as long as related building, land use, planning, zoning, or environmental permit or approval records covered elsewhere in this schedule.

b. When no permit or approval by local government is needed, and records are received for comment or informational purposes only:

RETENTION: 3 years after date of most recent entry

◆◆15.[907] Child day care program records

a. Participant records, including applications to attend day care program; children's immunization and health records, including parent's consents for emergency medical treatment; and related records:

RETENTION: 3 years after child attains age 18

b. Program records not covered by other items on this Schedule, including those required to be maintained by 18 NYCRR Sections 414.15, 418-1.15 and 418-2.15, including program registration records; video surveillance tapes; daily attendance records; staff health statements; Statewide Central Register clearance forms and related records; documentation of facility compliance with Uniform Fire Prevention and Building Code and other state requirements; description of program activities; and related records:

RETENTION: 6 years or 6 years after superseded or obsolete, whichever is longer

c. Applications from parent/guardian for enrollment of child in program, where child is not accepted or is not enrolled in program:

RETENTION: 3 years

PERSONNEL/CIVIL SERVICE

PERSONNEL

- ◆1.[310] Personnel records of local government employees (includes volunteers and interns)
- a. Master summary record from personnel case file, including but not limited to age, dates of employment, job titles and civil service status:
RETENTION: PERMANENT
- b. Personnel case file materials, except summary information record, and including but not limited to application for employment, resume, report of personnel change, evaluation, civil service examination results, notice of resignation or termination, and correspondence:
RETENTION: 6 years after termination of employment
- NOTE:** Reports of personnel changes may be included in personnel case files, in which case they are subject to the indicated minimum retention period. Other copies of these reports are maintained by other offices and are covered by item no. 332, below.
- ◆2.[311] Investigative records and disciplinary proceedings, including but not limited to statement of charge, transcript of hearing, notice of decision, letter of termination or resignation, letter of reinstatement, record of appeal procedure, and correspondence:
RETENTION: 3 years after final decision rendered
- NOTE:** Records covered by this item may be destroyed before this retention period has been reached, if specified either in a union contract or settlement between the employer and employee.
- NOTE:** Affirmative action and related complaints may be covered by item no. 317c, below.
- 3.[312] Employee's time records covering leave, absences, hours worked and scheduling, and including but not limited to employee's time cards or sheets, request for change of work schedule, vacation schedule, report of absence and request for leave without pay:
RETENTION: 6 years
- ◆4.[313] Annual or other financial disclosure statements, filed by local government

employees or officials, pursuant to Section 812.1 (a), General Municipal Law, or local law:

RETENTION: 7 years

- ◆◆5.[314] Employee training history records documenting employee continuing education, training and development, including employee identification, training received, dates of training, and related records:

RETENTION: 6 years after termination of employment

NOTE: Additional records providing detailed information on training history can be destroyed when no longer needed, provided that summary records are retained for the indicated retention period. For retention requirements for specific types of employee training history records, see specific items in this Schedule.

- ◆6.[315] Administrative organization chart and related records showing administrative and supervisory organization:

RETENTION: 0 after superseded or obsolete

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently. Contact the State Archives for additional advice.

- ◆7.[316] Identification card records, when card is issued to local public employee:

RETENTION: 6 months after becoming invalid

- ◆8.[317] Equal employment opportunity report and related records

- a. Annual, long-term or special (narrative or statistical) reports, goals and achievements:

RETENTION: **PERMANENT**

- b. Periodic reports, statistics and other records used in compiling annual, long-term or special (narrative or statistical) reports, goals and achievements:

RETENTION: 1 year

- c. Affirmative action and related complaint investigation records:

RETENTION: 3 years after date of final determination

NOTE: Agencies may wish to retain records covered by part "c" of this item beyond the minimum retention period for use in establishing patterns of complaints and for investigating and resolving future complaints.

- ◆9.[318] Health and life insurance records
- a. For employee with or without dependent survivor:
RETENTION: 3 years after termination of employee's or dependent survivor's coverage, whichever is later
 - b. Claim for benefits (copy, where original is submitted directly by employee):
RETENTION: 1 year
 - c. Health and life insurance coverage reports:
RETENTION: 6 years
 - d. Declination statement filed by employee:
RETENTION: 6 years after separation from service
- 10.[319] Unemployment insurance records
- a. Claim filed by employee, when claim is approved:
RETENTION: 6 years after final payment
 - b. Claim filed by employee, when claim is disqualified:
RETENTION: 3 years after filing
 - c. Claim payment reports:
RETENTION: 6 years
- ◆11.[320] Labor-management meeting records, including minutes of meeting, agenda, reports, and correspondence
- a. Minutes and reports:
RETENTION: **PERMANENT**
 - b. Meeting agenda, correspondence, and other records:
RETENTION: 6 years
- ◆12.[321] Public employee contract negotiations records, including but not limited to proposals, summary of proceedings, copies of salary schedules and contracts, P.E.R.B. fact-finding report, and correspondence
- a. All documentation in record, except routine correspondence, routine memoranda and drafts:
RETENTION: **PERMANENT**
 - b. Routine correspondence, routine memoranda and drafts:

RETENTION: 1 year

◆ 13.[322] **Job action records** documenting strikes, work stoppages, informational picketing and other job actions conducted by local government employees, including but not limited to correspondence and memoranda, press clippings, copies of notices of violation, detailed and summary records of employees’ participation, and penalties levied upon participants

a. All documentation in record, **except** detailed listings of all employees present at various events and other records lacking substantive informational value:

RETENTION: PERMANENT

b. Detailed listings of all employees present at various events, and other records lacking substantive informational value:

RETENTION: 6 years

◆ 14.[323] **Public employee grievance records**, including but not limited to grievance, investigative records, hearing proceedings, decision rendered by employer, employee appeal, records of arbitration procedure, final decision, and correspondence:

RETENTION: 3 years after grievance is resolved

◆ 15.[324] **On-site safety inspection records**, including individual inspections and summary of findings:

RETENTION: 3 years after last entry

◆ 16.[325] **Toxic substance exposure records**

a. Records of exposure or possible exposure of an employee to a toxic substance or other harmful physical agent, including background data to environmental monitoring or measuring, biological monitoring records which are designated as exposure records, material safety data sheets or chemical inventory records indicating use and identity of a toxic substance or harmful physical agent, and related records:

RETENTION: 30 years

NOTE: Environmental monitoring background data may be destroyed after 1 year provided that sampling results, methodology, a description of the analytical method used, and a summary of other background data relevant to the interpretation of results are retained for at least 30 years, as provided in 29 *CFR* 1910.1020 (d-1) (ii-A).

- b. Lists, or material safety data sheets, of toxic substances present in the workplace and of employees who handle those substances:

RETENTION: 40 years after superseded or obsolete

- c. Material safety data sheet or fact sheet, providing detailed information on specific toxic or other substance at workplace, when **not** used for parts “a” or “b”, above, as the list of toxic substances (as defined in 29 CFR 1910, Subpart Z) in the workplace **or** for substances **not** defined in 29 CFR 1910, Subpart Z as being toxic:

RETENTION: 3 years after substance no longer present at workplace

NOTE: If material safety data sheets or fact sheets are used for parts “a” or “b”, above, as the list of toxic substances (as defined in 29 CFR 1910, Subpart Z) in the workplace, then those sheets should be maintained for the time periods indicated by parts “a” or “b”.

- d. Training records covering training of individual employee in handling toxic substances:

RETENTION: 3 years after separation from service

- e. Summary records of toxic substance training, including but not limited to minutes of meetings and training sessions and summary descriptions of training given employees:

RETENTION: 3 years after separation from service of all employees involved

NOTE: This retention may be difficult to calculate in instances where a number of employees have attended the same training. Local officials may wish to retain these summary training records for 60 years or another period sufficient to ensure that all concerned employees have separated from service.

- f. Policy statements and procedures issued by local government relative to dealing with toxic substances:

RETENTION: PERMANENT

17.[326] **Personal surety bond** or undertaking of public official:
RETENTION: 20 years after coverage expires

18.[327] **Listing or roster of local government officials or employees**, including names,

addresses, titles and other pertinent information:

RETENTION: PERMANENT

- 19.[328] Oath of office or record of official signature of public employee
- a. Official copy:
RETENTION: PERMANENT
- b. Oath of any election official:
RETENTION: 1 year after election
- ◆20.[329] Log and summary of occupational injuries and illnesses, created pursuant to 12 NYCRR 801.7 and 29 CFR 1904.6:
RETENTION: 5 years
- NOTE:** If these records are intended to also satisfy the legal requirements of Section 110, Workers' Compensation Law, and no separate records covered by item no. 741, below, are created, then these records must be retained for 18 years after date of injury or illness.
- ◆21.[741] Employee injury record, covering work-related accident or occupational disease, created pursuant to Section 110, Workers' Compensation Law:
RETENTION: 18 years after date of injury or illness
- ◆◆22.[330] Employee medical records concerning exposure to toxic substances or harmful physical agents
- NOTE:** This item does not include health insurance records, which are covered by item no. 318, above, or non-medical toxic substance exposure records, which are covered by item no. 325, above.
- a. First aid records of one-time treatment and subsequent observation of minor illnesses and injuries, as defined in 29 CFR 1910.1020 (d-1) (i-B), if made onsite by a non-physician and maintained separately from the employee medical records:
RETENTION: 3 years after completion of treatment and subsequent observation
- b. Medical records, other than those covered by part "a", including medical questionnaires and histories, the results of medical examinations and laboratory tests, medical opinions, diagnoses and recommendations, first aid records, descriptions of treatments and prescriptions, employee medical

complaints, and related records, for employee who worked one year or longer:

RETENTION: 30 years after termination of employment

- c. Medical records, other than those covered by part "a", including medical questionnaires and histories, the results of medical examinations and laboratory tests, medical opinions, diagnoses and recommendations, first aid records, descriptions of treatments and prescriptions, employee medical complaints, and related records, for employee who worked less than one year, provided copies were given to the employee upon termination of employment, pursuant to 29 CFR 1910.1020 (d-1) (i-C):

RETENTION: 3 years after termination of employment

NOTE: If copies are not given to the employee upon termination of employment, the retention specified in part "b," above, must be followed.

- ◆◆23.[910] Employee medical records not related to exposure to toxic substances or harmful physical agents:

RETENTION: 3 years after termination of employment

- 24.[278] Notification of vacancy in office, or filling of vacant position:

RETENTION: 0 after position filled or abolished

- ◆25.[742] Drivers' license review records for local government officials, employees or volunteers

- a. When no action is taken as result of review:

RETENTION: 0

- b. When action is taken as result of review:

RETENTION: 3 years

- ◆26.[743] Employee attestation of knowledge of code of ethics, staff policy manual or other official policies or procedures:

RETENTION: 3 years after attestation superseded or upon termination of employment

- ◆27.[744] Records documenting the specimen collection and testing process, for commercial motor vehicle driver alcohol and drug testing

- a. Official copy of all policies and procedures, including documentation of the random selection process:

RETENTION: PERMANENT

- b. Quality control records, including calibration records for testing equipment, assuring that testing equipment is operating correctly:
RETENTION: 5 years

- c. Annual statistical and other reports:
RETENTION: 6 years

NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently.

- d. Other records, including periodic reports and statistics and collection logbooks:
RETENTION: 2 years

◆◆28.[745] Drivers' test results and related records

NOTE: Local governments may want to maintain these records concerning employees for an additional period or include them in the employee's personnel files, especially when they affect an employee's job status.

- a. Verified positive controlled substance test results or alcohol test results indicating a breath or blood alcohol concentration equal to or greater than 0.02, documentation that individual employee's or job applicant's test was conducted and specimen handled properly, records of dispute of test results by driver, justification for conducting other than random test, records of compliance with Substance Abuse Professional's (SAP's) recommendations, correspondence and related records:

RETENTION: 5 years

- b. Negative or canceled controlled substance test result or alcohol test result indicating a breath or blood alcohol concentration less than 0.02:
RETENTION: 1 year

- c. Records relating to an individual employee's or job applicant's refusal to take alcohol or substance abuse test:

RETENTION: 5 years

◆29.[746] Documentation of other violations of alcohol or substance abuse rules, including results of alcohol or substance abuse tests administered by law enforcement personnel, copies of police reports and medical records:

RETENTION: 6 years after termination of employment

- ◆30.[747] Staff training and evaluation records for commercial motor vehicle driver alcohol and drug testing
 - a. Official copy of course syllabus or any local government produced training or advisory publication or videotape:
RETENTION: 6 years after superseded
 - b. Other training records including lists of attendees, copies of instructors' course or class notes, documentation of instructors' training and proof that employees have received required reading materials:
RETENTION: 6 years

- ◆◆31.[911] Employment Eligibility Verification Form I-9, completed by employee and employer for all employees hired after November 6, 1986, verifying that the individual is eligible to work in the United States, including verification documents attached to the form:
RETENTION: 3 years from date of hire or 1 year after employment is terminated, whichever is later

- ◆◆32.[912] Employee assistance program records
 - a. Reports and statistical compilations:
RETENTION: 6 years after date of most recent entry
 - b. Program (including course and seminar) and literature files:
RETENTION: 1 year after program no longer offered or literature superseded or otherwise obsolete
 - c. Employee consultation records:
RETENTION: 3 years after date of most recent entry in record

CIVIL SERVICE

- ◆1.[748] Copy of payroll, or payroll report, submitted to civil service office for certification or approval:
RETENTION: 0 after superseded

NOTE: Official copy of payroll must be retained for 55 years. See item no. 291 in the Fiscal section.

- ◆2.[749] Official civil service employee roster card:
RETENTION: PERMANENT
- ◆3.[331] Established position record showing a history of each position and names and other pertinent information about persons who occupied it
- a. If record contains detailed information about the position and persons who occupied it:
RETENTION: PERMANENT
- b. If record only provides lists of names of employees:
RETENTION: 1 year after final entry in record
- NOTE:** The official listing or roster of all local government officials or employees, covered by item no. 327, must be retained permanently.
- ◆4.[332] Report of personnel change, (including employee transfer record), except copy retained in employee's personnel records
- a. Copy held by office with official civil service function:
RETENTION: 0 after termination of employment, but not less than 6 years
- b. Copy retained by fiscal office, where official civil service copy is maintained by other local government having the official civil service function:
RETENTION: 6 years
- c. Employee transfer record:
RETENTION: 0 after termination of employment, but not less than 6 years
- NOTE:** Reports of personnel changes may also be found in employee personnel records. When filed in an employee personnel record, such copies are subject to lengthier retention requirements. See item no. 310, above.
- ◆5.[333] Job classification records, including job classification questionnaire, analysis of job duties and request for reclassification:
RETENTION: 1 year after subsequent classification action completed, but not less than 10 years
- NOTE:** Appraise these records for historical significance prior to disposition.
Local

governments with official civil service functions should consider permanent retention of these records. Contact the State Archives for additional advice.

- ◆6.[334] Official copy of job posting and position duties statement
 - a. When duties of position are described in detail:
RETENTION: PERMANENT
 - b. When duties of position are not described in detail:
RETENTION: 6 years

- ◆7.[335] Personnel requisition made to civil service or personnel office, requesting that vacancy be filled:
RETENTION: 0 after obsolete

- ◆8.[336] Civil service eligible list records
 - a. Official eligible list and certification of eligible list:
RETENTION: 20 years after expiration of eligible list
 - b. Certification of eligible list sent to and retained by appointing authority: **RETENTION: 3 years after expiration of eligible list**
 - c. Request for certification of eligible list:
RETENTION: 1 year after expiration of eligible list, but not less than 3 years
 - d. Individual's request for reinstatement to eligible list and reply:
RETENTION: 1 year after expiration of eligible list, but not less than 3 years
 - e. Eligible list canvass records, including but not limited to precanvass questionnaire and letter of canvass and reply:
RETENTION: 6 months after expiration of eligible list, but not less than 3 years
 - f. Military record of applicant, when applicant was not hired:
RETENTION: 3 years after expiration of eligible list

- ◆9.[337] Application for employment, including resume, when applicant not hired:
RETENTION: 3 years

NOTE: When the applicant is hired, the application is retained in or as long as the personnel file. See- item no. 310 in the Personnel subsection, above.

- ◆10.[750] Recruitment, hiring, interview and selection records, including but not limited to correspondence, reports, selection criteria, interview notes, background check records, rating and ranking forms, evaluations and other records pertaining to the hiring, promotion, demotion, transfer, layoff and termination of employees:
RETENTION: 3 years after completion of personnel action

NOTE: This item does not cover personnel records of individual employees. See item no. 310 in the Personnel subsection, above.

- ◆11.[751] Application for examination
- a. When eligible list is established:
RETENTION: 3 years after expiration of eligible list
 - b. When no eligible list is established:
RETENTION: 3 years after examination date
 - c. Supplemental documentation filed in conjunction with application, including but not limited to student loan statement, credentials and copies of transcripts:
RETENTION: 1 year

- ◆◆12.[339] Civil service examination records and appointment review records
- a. Civil service examination and announcement (official copy held by office with official civil service function):
RETENTION: **PERMANENT**
 - b. Civil service examination and announcement (other than official copy held by office with official civil service function):
RETENTION: 0 after no longer needed
 - c. Candidate identification or admission card:
RETENTION: 3 years after date of examination
 - d. Examination preparation, administration, and rating records:
RETENTION: 5 years after date of examination
 - e. Veteran credit records:

RETENTION: 50 years

- f. Qualifying medical, physical fitness or agility examination report, when person is hired, and worked one year or longer:
RETENTION: 30 years after termination of employment
- g. Qualifying medical, physical fitness or agility examination report, when person is hired, and worked less than one year, provided copies were given to the employee upon termination of employment, pursuant to 29 *CFR* 1910.1020 (d-1) (i-C):
RETENTION: 3 years after termination of employment
- h. Qualifying medical, physical fitness or agility examination report, when person is not hired:
RETENTION: 3 years after date of examination
- i. Summary listing of examination results:
RETENTION: 1 year after date of examination
- j. Notification of examination results mailed to candidate:
RETENTION: 3 years
- k. Examination review records including but not limited to employee request, correspondence, and objection:
RETENTION: 3 years after expiration of eligible list
- l. Appointment review records, documenting review of applicant qualifications for non-competitive, temporary or other positions not requiring examinations:
RETENTION: 5 years
- 13.[338] Seniority list ranking employees by length of service:
RETENTION: 3 years after superseded or obsolete
- ◆14.[752] Disclosures related to student loan status, received as part of civil service examination application, transmitted to New York State Higher Education Services Corporation, along with transmittal documents:
RETENTION: 1 year
- ◆15.[753] Local government requests to State Civil Service Commission for approval of changes in policies or jurisdictional classifications:
RETENTION: 3 years after date of last entry in record

PUBLIC ACCESS TO RECORDS

- ◆ 1.[349] **Subject matter list** of records held by local government, required under Freedom of Information Law:
RETENTION: 6 months after superseded

- ◆ 2.[350] **Listing of officers or employees** of local government required by Freedom of Information Law:
RETENTION: 6 months after superseded

- ◆ 3.[351] **Register or list** of applicants seeking access to public records:
RETENTION: 6 months

- ◆ 4.[352] **Freedom of Information records request file**
 - a. Request for access to public records, when request is granted:
RETENTION: 6 months

 - b. Request for access to public records, when request is denied, including statement of denial, appeal records, documentation of review and decision:
RETENTION: 6 months after final determination

 - c. Certificate that record does not exist or cannot be found:
RETENTION: 6 months

PUBLIC EMPLOYMENT AND TRAINING

- ◆1.[353] **Employment and training program file** for Job Training Partnership Act, Comprehensive Employment and Training Act (C.E.T.A.), Manpower Development and Training Act, youth employment training, Work Force Investment Act, and other job training programs
 - a. Project application, proposal, narrative, evaluation, and annual report:
 RETENTION: 6 years

 NOTE: Appraise these records for historical significance prior to disposition. Records with historical value should be retained permanently.
 - b. Background material and supporting documentation:
 RETENTION: 6 years

- 2.[354] **Employment and training program individual participant file**, including but not limited to application, work schedule, evaluations, and notice of transition to non-grant employment:
 RETENTION: 6 years after last entry

- 3.[355] **Denied employment and training enrollment application:**
 RETENTION: 3 years

PUBLIC HEALTH

GENERAL

- ◆ 1.[356] **Certification, licensing, and accreditation records** covering review and approval by state or federal agency or professional review organization, to operate facility or program, to conduct tests, or to perform specified work, including lists of permissible procedures or tests:
RETENTION: 7 years after superseded, revoked, or no longer valid

- 2.[357] **Survey, evaluation, and inspection records** covering review of facilities and programs by state or federal agency or professional review organization, including but not limited to medical care evaluation and similar studies:
RETENTION: PERMANENT

- ◆ 3.[359] **Appointment records**, including slips, return cards, sign-in sheets, and clinic schedules kept by facility or public health program:
RETENTION: 0 after obsolete

NOTE: Appointment records for certain patients may have legal value to supplement patient medical records in documenting services provided to these patients.

- 4.[360] **Screening and assessment records** and referrals, for persons evaluated but **not** treated by facility or program:
RETENTION: 3 years

- ◆ 5.[754] **Advice and referral records**, covering medical, mental health or other information provided to individuals in person or over the telephone, including but not limited to telephone logs and individual call records
 - a. When person involved is or becomes a patient:
RETENTION: Retain as long as patient case record.

 - b. When person involved is not or does not become a patient:
RETENTION: 6 months

FISCAL

NOTE: Other fiscal records are covered by items on this Schedule found in the Fiscal section.

- 1.[361] **Annual expenditure report or budget** submitted to state or federal agency or professional review organization:
RETENTION: PERMANENT

- 2.[362] **Patient's individual financial case record and account**
 - a. Individual case record, account card, or ledger card:
RETENTION: 7 years after account closed, but not less than 9 years

 - b. Individual charge records, posted to case record or card:
RETENTION: 7 years

- 3.[363] **Medicare, Medicaid or insurance carrier claim records**, including but not limited to schedule of payments, copy of claim, listing of invalid or rejected claims, vendor payment list, list of claims submitted for payment, and list of checks received:
RETENTION: 7 years

- 4.[364] **Insurance and reimbursement related reports**, including Medicare/Medicaid cost report and certified uniform financial or statistical report, and all necessary supporting documentation:
RETENTION: 9 years

- ◆ 5.[365] **Patient personal property records**, including log or register of personal property of patients and receipts and related property records of original entry:
RETENTION: 6 years after death or discharge of patient

FACILITY AND PATIENT SERVICES

- 1.[366] **Establishment, major alteration, or change of occupancy or use records**
 - a. Records of review and approval of plans, schedule of costs, feasibility studies, plans, specifications and drawings, final report, and significant correspondence:
RETENTION: PERMANENT

 - b. Memoranda, routine correspondence, and supplemental fiscal documentation:
RETENTION: 6 years after last entry

- 2.[367] **Facility committee records**
 - a. Minutes of medical staff committees, including but not limited to utilization review committee, joint conference committee or patient care conference:
RETENTION: PERMANENT
 - b. Records of medical staff committees, **excluding minutes**, including but not limited to agenda, worksheets and notes:
RETENTION: 6 years
 - c. Minutes and all other records of facility committee **other than** medical staff committees, such as dietary services committee or activities committee:
RETENTION: 6 years

- 3.[368] **Dietary services records**
 - a. Food service records, including meal counts, roster of patients' diet orders, and dietary services studies:
RETENTION: 3 years
 - b. Menus:
RETENTION: 1 year

- 4.[369] **Patient activities records**, including information on courses and activities offered to patients:
RETENTION: 2 years

- 5.[370] **Medical information index**, including but not limited to physician's index, disease index and operative index:
RETENTION: PERMANENT

- ◆6.[371] **Census record of patients:**
RETENTION: 6 years

- 7.[372] **Nursing services report**, including substation, shift and ward report:
RETENTION: 1 year

- 8.[373] **Hospital stay data collection records** covering data collection and review by Statewide Planning and Research Cooperative System (S.P.A.R.C.S.) and Data

Protection Review Board (D.P.R.B.)

- a. Request for data or review of data:
RETENTION: 2 years
- b. Results of data processing:
RETENTION: 0 after data verified
- c. Data received from S.P.A.R.C.S.:
RETENTION: 0 after no longer needed for administrative purposes

◆9.[374] **Quality assurance records**

- a. Quality assurance plan, including staff privileges review procedures:
RETENTION: **PERMANENT**
- b. Relating to quality of care provided by individual hospital staff members:
RETENTION: 10 years after termination of employment
- c. Relating to quality of care provided individual patient, when **not** duplicated in medical case record:
RETENTION: Retain as long as medical case record.
- d. Relating to more than one patient:
RETENTION: Retain as long as all relevant medical case records are retained.

10.[375] **Health facility infection control and monitoring records:**
RETENTION: 10 years

◆11.[755] **Medical waste disposal records**, relating to generation, transportation and disposal of regulated medical waste

- a. Medical waste tracking records, including exception reports:
RETENTION: 3 years after waste accepted for transport
- b. Records created by generators who destroy regulated medical waste on site:
RETENTION: 3 years after date waste destroyed
- c. Annual reports prepared by waste generator or transporter:
RETENTION: 3 years

PATIENT CASE RECORDS AND RELATED MATERIALS

- 1.[358] **Master summary record**, master index file, or principal register giving basic data on individual patients:
RETENTION: PERMANENT
- ◆2.[756] **Patient data file**, providing summary and/or detailed information on patient:
RETENTION: Maintain as long as patient medical or other case record.
- NOTE:** Health agencies and facilities should **consider** permanent or long-term retention of the basic data elements of these systems for both administrative convenience and for potential research purposes. This data may provide for ease of access to other electronic and paper-based files and may create a record which replaces or supplements the master summary record (see item no. 358, above). Contact the State Archives for additional advice.
- 3.[376] **Patient's leave records**, including leave book or slip, patient's request, physician's consent and record of leave taken:
RETENTION: 6 years
- 4.[377] **Utilization review records** for individual patient, **excluding** those contained in medical case record:
RETENTION: 6 years
- 5.[378] **Pre-admission screening records** for long-term care health facility
- a. When person is **not** admitted:
RETENTION: 0 after obsolete
- b. When person is admitted, and information is not duplicated in medical case record:
RETENTION: Retain as long as medical case record.
- ◆6.[379] **Medical case record of hospital patient**, (in-patient and out-patient), **excluding** film, tracing, or other record of original entry when information contained is posted to or summarized in case record:
RETENTION: 6 years after death or discharge of patient, but not until 3 years after individual attains age 18

NOTE: Appraise these records for historical significance. These records may

have continuing value for historical or other research, and the State Archives suggests hospitals consider permanent retention, or if not permanent, for at least 10 years after death or discharge of patient, based on American Medical Records Association guidelines. In addition, records of adoptive children may need to be retained longer for legal and medical reasons. Also, medical records of mothers may, in certain cases, need to be retained longer if needed relative to their children's health. The State Archives recommends that these factors be considered in disposing of medical case records, and that these records be evaluated for disposition on a case-by-case basis.

- 7.[380] **Medical case record of long-term care health facility patient:**
RETENTION: 6 years after death or discharge of patient, but not until 3 years after individual attains age 18

- 8.[381] **Medical case record of out-patient**, including but not limited to diagnostic or treatment center patient; child health, maternity, family planning, lead poisoning, medical rehabilitation, dental health, Indian reservation health, nutrition or tuberculosis clinic patient; health related social services and home health agency patient, **but excluding** early intervention program:
RETENTION: 6 years after discharge or last contact, but not until 3 years after youngest patient attains age 18

- ◆9.[382] **Original entry patient care records** which exist separately from case record, including nurses' notes, operating room record, therapy record, nursery and obstetrics record, emergency room treatment record, triage records, and temperature charts
 - a. When significant information is posted to medical case record:
RETENTION: 6 years

 - b. When significant information is **not** posted to medical case record:
RETENTION: Retain as long as medical case record.

- ◆10.[383] **Film or tracing**, including X-ray, EKG tracing, EEG tracing, sonogram, echo cardiogram and holter monitor printout, when report of film or tracing is retained as long as medical case record:
RETENTION: 6 years

NOTE: Holter monitor tapes need only be retained for one month after printouts ("disclosures") are produced from them.

NOTE: Older X-rays on nitrate-base films, which have deteriorated to the point

where they are no longer usable, should **not** be retained. Retention of older nitrate-base X-rays may pose a serious fire hazard.

NOTE: Certain mammograms (covered by this item or by item no. 360, above) must be retained for 10 years pursuant to requirements found in *21 CFR*, Section 900.12 (c-4-i). Consult your attorney or counsel to determine what action is necessary to meet this requirement.

11.[384] **Patient care conference records**, including worksheets and evaluations, **but** excluding minutes

- a. When significant information is posted to medical case record:
RETENTION: 0 after posting
- b. When significant information is **not** posted to medical case record:
RETENTION: Retain as long as medical case record.

◆ 12.[385] **Communicable disease individual case records**

- a. Communicable disease case report or equivalent record, including copy of laboratory report:
RETENTION: 6 years after discharge or last contact, or 3 years after individual attains age 18, whichever is longer
- b. Supplementary reports on communicable diseases:
RETENTION: 2 years
- c. Typhoid carrier records:
RETENTION: 2 years after death or release of carrier
- d. Syphilis treatment case record:
RETENTION: 40 years
- e. Sexually transmitted disease case record, **except** syphilis:
RETENTION: 6 years, or 3 years after individual attains age 18, whichever is longer

◆ 13.[757] **Mental health incident report:**
RETENTION: 20 years

◆ 14.[386] **Mental health individual case record**

- a. Clinical discharge summary:
RETENTION: 25 years
- b. Psychiatric test answer sheets:
RETENTION: 6 years
- c. Case record materials, **except** clinical discharge summary and psychiatric test answer sheets:
RETENTION: 10 years after discharge or last contact with patient, or 3 years after individual attains age 18, whichever is longer

NOTE: Appraise these records for historical significance. Records covered by item nos. 386 and 387 may have continuing value for historical or other research. Contact the State Archives for additional advice in this area.

- ◆ 15.[387] **Alcohol or substance abuse individual case record** including clinical discharge summary:
RETENTION: 6 years after date of discharge or last contact, **or** 3 years after individual attains age 18, **or** for the period required by contractual arrangements, whichever is longest

- ◆ 16.[758] **Reports, studies or data queries**, including those generated from patient data system (including documentation of macros, queries, and reports)
 - a. Reports, studies or queries relating to individual patient:
RETENTION: Retain as long as or as part of medical or other patient case record.

- b. Reports, studies or queries **not** relating to individual patient:
RETENTION: 0 after no longer needed

NOTE: Appraise records covered by part "b" for archival value. Reports and studies analyzing specific medical conditions and their treatments may be valuable for long-term planning and for medical, historical and other research. Contact the State Archives for additional advice.

LABORATORY

- ◆ 1.[388] **Master summary record**, including accession sheet or register

- a. Register of laboratory tests performed:

RETENTION: 7 years

NOTE: Appraise these records for archival value. These records may contain detailed information on the subject, nature and results of laboratory tests and may have long-term or permanent scientific or historical research value. Contact the State Archives for additional advice.

- b. Record of collection of specimens:

RETENTION: 7 years

◆2.[759] **Laboratory test data file**, providing summary and/or detailed information on laboratory tests performed

- a. For clinical laboratory tests:

RETENTION: Maintain as long as related laboratory tests results.

- b. For forensic or toxicology tests:

RETENTION: 6 years

- c. For environmental health tests:

RETENTION: Maintain as long as related laboratory tests results.

NOTE: Laboratories should **consider** permanent or long-term retention of the basic data elements of these systems for both administrative convenience and for potential research purposes. This data may provide for ease of access to other electronic and paper-based files (such as accession records and laboratory test results) and may create a record which replaces or supplements the master summary record (see item no. 388, above). Contact the State Archives for additional advice.

◆3.[389] **Request for laboratory test:**

RETENTION: Retain as long as the related test results or 7 years, whichever is shorter.

◆4.[760] **Referral information for cytogenetic cases:**

RETENTION: 6 years

◆5.[390] **Laboratory worksheet, workslip, history slip, or similar record**

- a. For environmental health, or toxicology or forensic test:

RETENTION: Retain as long as related test results.

- b. For clinical laboratory tests:
RETENTION: 1 year

◆6.[391] **Preventive maintenance, service, or repair record** for laboratory equipment or instrument:
RETENTION: Retain as long as the equipment or instrument remains in use, and also as long as test results using this equipment are retained.

NOTE: If equipment is used to produce laboratory tests which have differing minimum legal retention periods, then these preventive maintenance records must be retained as long as the longest period of time these laboratory test results need to be retained.

◆7.[392] **Quality control records** covering laboratory equipment and procedures:
RETENTION: Retain as long as test results using this equipment are retained, but not less than 2 years.

NOTE: If equipment is used to produce laboratory tests which have differing minimum legal retention periods, then these quality control records must be retained as long as the longest period of time these laboratory test results need to be retained.

8.[393] **Laboratory protocol** detailing procedures for conducting tests, disposing of specimens, samples and supplies, or other activity, including superseded or obsolete procedures:
RETENTION: **PERMANENT**

◆9.[394] **Laboratory reports, studies or data queries**, including those generated from automated data system

- a. Forensic and other related investigation reports:
RETENTION: 6 years
- b. All other reports, studies or queries:
RETENTION: 0 after no longer needed

NOTE: Appraise these records for archival value. Reports and studies analyzing specific types of tests, test results and the population being tested may be valuable for long-term planning and for medical, historical and other research. Because these records will vary greatly as to content, subject and detail, they should be appraised for archival value. Contact the

State Archives for additional advice.

◆ 10.[395] **Laboratory specimens and slides**

- a. Blood film, routine:
 RETENTION: 6 months
- b. Blood film, other than routine:
 RETENTION: 1 year
- c. Cytology slide, showing abnormality:
 RETENTION: 7 years
- d. Cytology slide, showing **no** abnormality:
 RETENTION: 3 years
- e. Bone marrow biopsy, tissue block, and histopathology slide:
 RETENTION: 20 years
- f. Bacteriology slide, on which **no** diagnosis depends:
 RETENTION: 0
- g. Bacteriology slide, on which a diagnosis depends:
 RETENTION: 1 year
- h. Cytogenetic slide:
 RETENTION: 6 years
- i. Photographic record of cytogenetic karyotype:
 RETENTION: 25 years
- j. Recipient blood specimens:
 RETENTION: 1 week

◆ 11.[396] **Blood collection, release, transfusion and related records**

- a. When plasmapheresis, cytapheresis, intraoperative and postoperative blood recovery, isovolemic hemodilution or reinfusion is involved:
 RETENTION: 7 years after procedure involved
- b. Other blood related records, including autogenic or allogenic transfusions:
 RETENTION: 7 years, or 6 months after the expiration date of the

individual product, whichever is later

12.[397] **Biologics receipt and distribution record**

- a. Detailed delivery record:
RETENTION: 2 years
- b. Summary record of receipt and distribution:
RETENTION: 5 years

13.[398] **District laboratory supply station records**

- a. Notification of establishment or discontinuance of station or of appointment or termination of its caretaker:
RETENTION: PERMANENT
- b. Certificate of approval of station maintenance:
RETENTION: 2 years
- c. Periodic inventory of station supplies:
RETENTION: 6 years

◆ 14.[399] **Laboratory examination test results (clinical)**

- a. Positive report of syphilis serology:
RETENTION: 7 years
- b. Negative report of syphilis serology:
RETENTION: 2 years
- c. Tissue pathology (including exfoliate cytology) report:
RETENTION: 20 years
- d. Cytogenetics report:
RETENTION: 25 years
- e. Clinical, **except** those listed above:
RETENTION: 7 years

◆ 15.[761] **Forensic and toxicology test results:**
RETENTION: 6 years

NOTE: These records may need to be retained as long as related case investigation records. Consult the appropriate law enforcement or investigative agency to determine if these records may be needed longer for legal purposes.

◆ 16.[400] **Laboratory examination test results (environmental health)**

- a. Chemical analysis of potable water supply:
RETENTION: 10 years
- b. Routine analysis of water at pool or beach:
RETENTION: 0 after posted to summary record, or 3 years if not posted
- c. All other environmental health test results:
RETENTION: 3 years
- d. Sampling data and other test results maintained by laboratory of public water supply facility, created pursuant to Section 5-1.49, *10 NYCRR*:
RETENTION: 12 years
- e. Local health agency copy of any environmental analysis received from laboratory:
RETENTION: 1 year

RADIOLOGICAL HEALTH

◆ 1.[177] **Approvals** and registrations relating to radiological equipment and materials

- a. Approval to possess or use radioactive materials, received from New York State Department of Health, and related records:
RETENTION: 3 years after local government, facility or program no longer possesses or uses radiological materials
- b. Registration of radiation-producing equipment with New York State Department of Health, and related records:
RETENTION: 2 years after expiration or renewal

◆ 2.[178] **Radiation-exposure records** for an individual

- a. Records of diagnostic misadministrations:
RETENTION: 3 years

- b. Records of therapeutic misadministrations:
RETENTION: 6 years
- c. Radiation-exposure data for an individual, including records of radioactive material deposited or retained in body:
RETENTION: 0 after individual attains age 90

◆3.[762] **Records of occupational doses** for an individual using radiation-producing equipment or radiological materials

- a. Annual or other summary occupational dose records:
RETENTION: 0 after individual attains age 90
- b. Detailed occupational dose records:
RETENTION: 0 after annual or other summary record containing this information is produced
- c. Records of prior occupational dose:
RETENTION: 0 after individual attains age 90
- d. Records of planned special exposures:
RETENTION: 0 after individual attains age 90

◆4.[179] **Radiation equipment testing and inspection records**

- a. Regulatory inspection and audit records, including master summary record and "index card":
RETENTION: 6 years after equipment no longer in use
- b. Equipment accuracy testing records, including surveys, calibrations, measurements, and quality control tests:
RETENTION: 3 years

◆5.[180] **Records of disposal, theft, loss, or excessive release of radiation**

- a. Records concerning theft or loss of radiation source, excessive release of radiation, or excessive exposure of individual to radiation, including documentation of notification:
RETENTION: PERMANENT
- b. Record of disposal by burial in soil:

RETENTION: PERMANENT

- c. Records of authorized transfer or receipt, or issue and return of radiation source or radioactive materials, or disposition by incineration or release into sanitary sewer system:

RETENTION: 6 years

◆6.[763] Radiation program safety records

- a. Records documenting provisions of program:
RETENTION: 3 years after program ceases to exist
- b. Audits and other reviews of program content and implementation:
RETENTION: 3 years
- c. Records documenting specific instructions given to workers:
RETENTION: 3 years

MISCELLANEOUS

- ◆1.[401] **Birth and death records held by health agency or facility**, including copies of birth and death certificates, and related electronic records:
RETENTION: 0 after no longer needed

NOTE: The New York State Department of Health requires these records be destroyed as soon as no longer needed. Paper copies of birth and death certificates shall be destroyed within one year of the date of their receipt. Copies of fetal death certificates **must** be destroyed by the end of each month, pursuant to Section 4160, Public Health Law.

- 2.[402] **Medical rehabilitation service card:**
RETENTION: 6 months after completion of annual report

◆3.[764] Dental clinic records

- a. Dental hygienist's clinic record:
RETENTION: 0 after youngest person on record attains age 21
- b. Dental referral card, notifying clinic of work done by private dentist:
RETENTION: 2 years

- c. Individual dental treatment summary record:
RETENTION: 6 years after dental work completed, or 3 years after individual attains age 18, whichever is longer

4.[403] **Maternal and child health reports**

- a. Clinic service report, including but not limited to school health service report, and report of poisoning case, **except** lead poisoning:
RETENTION: 1 year
- b. Individual newborn infant metabolic defects screening report:
RETENTION: 0 after individual attains age 21

5.[406] **Lead poisoning reports and screening results**

- a. Positive results of screening, when **not** duplicated in case record:
RETENTION: Retain as long as case record.
- b. Positive results of screening, when duplicated in case record:
RETENTION: 0
- c. Negative results of screening, when posted to summary record:
RETENTION: 0 after posting
- d. Negative results of screening, when **not** posted to summary record:
RETENTION: 0 after individual attains age 21
- e. Blood level determination report:
RETENTION: 10 years
- f. Summary report of screening program:
RETENTION: **PERMANENT**

◆6.[765] **Cancer study and control program records**

- a. Cancer case report for individual, received and used for statistical purposes:
RETENTION: 6 years, or 3 years after individual attains age 18, whichever is longer
- b. Cancer summary record for individual:
RETENTION: 2 years after individual dies or attains age 90

- 7.[766] **Negative tuberculosis X-ray films or interpretive reports** resulting from screening program:
RETENTION: 3 years
- ◆ 8.[407] **Individual immunization record**, including authorization and/or parental consent:
RETENTION: 6 years, or 3 years after individual attains age 18, whichever is longer
- 9.[408] **Vaccine distribution and usage records**
- a. Official record of distribution and usage:
RETENTION: 25 years
 - b. Statistical or similar record of vaccines administered:
RETENTION: 5 years
- ◆ 10.[409] **Results of screening programs, except lead poisoning**
- a. Summary reports on screening results:
RETENTION: PERMANENT
 - b. Master index or listing of participants:
RETENTION: 50 years
 - c. Positive report of individual screened, including statement of consent or participation and authorization for release of information:
RETENTION: 6 years, or 3 years after individual attains age 18, whichever is longer
 - d. Negative report of individual screened, including statement of consent or participation and authorization for release of information:
RETENTION: 1 year
 - e. Log or other working record of screening and testing, used to compile statistics and other data:
RETENTION: 1 year
 - f. Anonymous H.I.V. test results and related records:
RETENTION: 7 years

NOTE: Identifiable H.I.V. related records are covered by item nos. 379 and 381, and related laboratory records are covered by items in the Laboratory subsection.

- ◆ 11.[410] **Receipt and storage records** for controlled substances (or other drugs or medication), including inventory, authorized requisition, receipt and vendor record:
RETENTION: 5 years

- ◆ 12.[411] **Usage and distribution records** for controlled substances (or other drugs or medication)
 - a. Record of withdrawal from stock, distribution and administration to patients:
RETENTION: 5 years

 - b. Order or prescription form used for administering to patients:
RETENTION: 6 years

 - c. List of narcotic registrants (persons registered to possess or prescribe controlled substances):
RETENTION: 0 after obsolete

 - d. Report on habitual user of narcotics:
RETENTION: 6 years

- ◆ 13.[767] **Tissue donation and transfer records**
 - a. Master summary record (index or log) of all tissue donations and transfers:
RETENTION: PERMANENT

 - b. Reproductive tissue donation records, including but not limited to information on donor and donation, referral records, tissue storage and processing records, documentation of delivery or receipt and records of tissue disposal and/or use (other than those contained in patient medical records), of donated reproductive tissue in artificial insemination and/or assisted reproductive procedures which result in a live birth:
RETENTION: 25 years

 - c. Reproductive tissue donation records, including but not limited to information on donor and donation, referral records, tissue storage and processing records, documentation of delivery or receipt and records of

tissue disposal and/or use (other than those contained in patient medical records), of donated reproductive tissue in artificial insemination and/or assisted reproductive procedures which **do not** result in a live birth:
RETENTION: 7 years after release or discard of tissue

- d. Other tissue donation and transfer records, including but not limited to information on donor and donation, referral records, tissue storage and processing records, documentation of delivery or receipt and records of tissue disposal and/or use (other than those contained in patient medical records), **for tissue intended for transplantation:**
RETENTION: 7 years after release or discard of tissue
- e. Records of release of tissue or nontransplant anatomic parts for research or educational purposes:
RETENTION: 5 years after release

◆ 14.[768] **Organ procurement and transplant records**

- a. Master summary record (index or log) of all organ donations and transplants:
RETENTION: **PERMANENT**
- b. Other organ donation and transplant records, including but not limited to information on donor and donation, referral records, documentation of delivery or receipt, information on recipient and records of use (other than those contained in patient medical records), when organ is procured:
RETENTION: 7 years after date of procurement
- c. Other organ donation and transplant records, including but not limited to information on donor and donation, referral records and explanation of why organ is not procured (other than those contained in patient medical records), when organ is **not** procured:
RETENTION: 7 years after date of most recent entry in record

PUBLIC PROPERTY AND EQUIPMENT

- ◆1.[412] **Real property acquisition or sale file** for property owned by local government including but not limited to copy of deed, copy of appraisal or valuation, copy of site or plot plan, photographs, recommendation or justification for acquisition or sale, approval for acquisition or sale, closing statement, memoranda and correspondence
- a. Copy of site or plot plan, photographs, and recommendation or justification for acquisition or sale:
RETENTION: PERMANENT
 - b. Other records in file, including but not limited to copy of deed, copy of appraisal or valuation, closing statement, approval for acquisition or sale, memoranda and correspondence:
RETENTION: 6 years after property no longer owned by local government
- NOTE:** This does **not** apply to a sale of real property tax liens conducted by the local government. See the Taxation and Assessment section.
- 2.[413] **Master summary record** (book, log or register) recording acquisition or sale of property by local government:
RETENTION: PERMANENT
- 3.[414] **Official copy of sale or auction list, and notice or advertisement of sale of real property by local government:**
RETENTION: PERMANENT
- ◆4.[415] **Capital construction or public improvement project file**, including but not limited to bids, specifications, contracts, performance guarantees, inspection reports, and environmental impact statements
- a. Feasibility studies; successful bids; plans, specifications and designs; project description; in-progress and completion photographs; inspection reports; environmental impact statement; annual project statement; fiscal and other final reports; significant change orders; and significant correspondence:
RETENTION: 6 years after building or facility no longer exists or is no longer owned by local government

NOTE: Appraise these records for historical significance prior to disposition. Records for important projects or historic structures have historical value and should be retained permanently. Contact the State Archives for additional advice.

- b. Supplementary documentation, including application for assistance, project budget, interim fiscal reports, claims, contracts, vouchers, work orders, memoranda, worksheet, non-significant change orders; routine correspondence and detailed construction specifications:
RETENTION: 6 years after last entry in project file
- c. Unsuccessful bids, to which contract is **not** awarded:
RETENTION: 6 years
- d. All records, when project is proposed but **not** undertaken:
RETENTION: 6 years after last entry

NOTE: For plans, maps, designs, sketches, designs, architectural drawings and photographs of buildings and facilities, see item no. 416, below.

◆5.[416] **Official plans, maps, designs, architectural drawings, and photographs** for buildings or other facilities owned by local government, including index, and also including design file for capital construction or renovation project

- a. Final or "as built" plans, maps, designs, sketches, architectural drawings and photographs, for significant building or other facility:
RETENTION: PERMANENT
- b. Final or "as built" plans, maps, designs, sketches, architectural drawings and photographs, for **other than** significant building or other facility:
RETENTION: 6 years after building or facility no longer exists or is no longer owned by local government
- c. Mechanical, electric and other detailed schematic drawings, not covered by parts "a" or "b," including detailed specifications not appearing on plans, maps, designs, sketches, architectural drawings:
RETENTION: 6 years after building or facility no longer exists or is no longer owned by local government
- d. Other related non-graphic design file documents, including correspondence, cost estimates, reports, planning studies and other records:
RETENTION: 6 years after completion of project

NOTE: Some of these non-graphic documents may need to be retained for 6 years after the building or other facility no longer exists, if they document significant changes with long-term fiscal and other implications. Local governments should review these records for these possible uses prior to disposition.

- e. Template or other similar automated framework or reference files used in conjunction with more specific automated design files:
RETENTION: Retain as long as the related specific automated design files are retained.
- f. Index or similar record used to locate, identify and access plans, maps, designs, sketches, architectural drawings, photographs and other existing records:
RETENTION: Maintain as perpetual data file or other record, deleting information only relating to records that have been disposed of.

- ◆6.[417] Draft or intermediary plans, maps, designs, sketches or architectural drawings, including explanatory textual files, tracings and other than final or "as built" automated design files:
RETENTION: 0 after no longer needed

NOTE: Some of these design documents may need to be retained for 6 years or longer, possibly as long as the building or other facility exists, if they document significant changes with long-term fiscal and other implications. Local governments should review these records for these possible uses prior to disposition.

- ◆7.[769] Maintenance, testing, service, operational and repair records for buildings and other facilities or their mechanical, electrical systems or other infrastructure
 - a. Cumulative summary records:
RETENTION: 6 years after building or other facility no longer in use
 - b. Individual detailed report or related record, such as work request, work order, personnel deployment record, preventive maintenance schedules and records of work completed, when posted to cumulative summary record:
RETENTION: 6 years
 - c. Individual report or related record, such as work request, work order,

personnel deployment record and records of work completed, when not posted to cumulative summary record:

RETENTION: 6 years after building or other facility no longer in use

d. Log, maintenance schedule or similar record of ongoing activity:

RETENTION: 6 years after last entry

e. Descriptive information on specific equipment or component parts:

RETENTION: 6 years after equipment or part no longer in use

f. Descriptive information on maintenance personnel, vendors or contractors:

RETENTION: 1 year after superseded or obsolete

g. Inventories of parts, materials and supplies needed for maintenance and repairs:

RETENTION: 6 years

h. Requests for inspection, repair or service, when no work is performed and no funds expended:

RETENTION: 1 year

NOTE: For plans, designs and schematic drawings of buildings and facilities, including their systems and component parts, see item no. 416, above.

◆8.[770] Reports and studies relating to maintenance, testing, service, operation and repairs for buildings and other facilities or their mechanical, electrical systems or other infrastructure:

RETENTION: 6 years

NOTE: Some of these reports may need to be retained longer for long-term facility management purposes, such as for 6 years after building or other facility no longer in use. Some may even have permanent historical or other research value. Contact the State Archives for additional information.

◆◆9.[418] Building or facility security records, including but not limited to visitor's register, watchman's or automated security system or false alarm reports, and records of building/room keys or passes issued:

RETENTION: 3 years, or 3 years after cancellation or return of key or pass

NOTE: This item does not cover airport security records, which are covered by item no. 537 in the Transportation and Engineering section, Airport subsection.

- ◆ 10.[419] **Public facility use file**, including but not limited to requests, correspondence, fiscal records and authorizations:
RETENTION: 6 years

NOTE: Appraise these records for historical significance prior to disposition. In some cases, facility use files may document significant attempts by the local government to broaden its support base by reaching out to community groups.

- ◆ 11.[420] **Fire safety records**, including but not limited to fire safety inspection reports, fire drill report, fire alarm records, fire inspection reports and fire investigation reports

NOTE: Records maintained by the public safety agency which performs official fire safety functions are covered by item nos. 446, 448 and 449 in the Public Safety section, Fire Fighting and Prevention subsection.

- a. Fire safety inspection reports:
RETENTION: 3 years, or until all violations noted on report are corrected, whichever is later
- b. Records **other than** fire safety inspection reports:
RETENTION: 3 years

- ◆ 12.[421] **Property inventory** records, covering buildings, facilities, vehicles, machinery and equipment, including "fixed assets" records:
RETENTION: 0 after superseded by updated inventory, or 6 years after replacement, sale, or discontinuance of use of all property listed, whichever is sooner

- 13.[422] **Inventory of supplies:**
RETENTION: 6 years

- 14.[423] **Public property sale or discard records, except** real property, including but not limited to description of property, bids or offers, and receipt of deed of gift:
RETENTION: 6 years

- ◆ 15.[424] **Maintenance, testing, service, operational and repair records** for equipment or vehicle, but **not** covering buildings and other facilities or their mechanical, electrical systems or other infrastructure

- a. Cumulative summary record for vehicle or equipment:
RETENTION: 6 years after vehicle or equipment no longer in use
- b. Individual report when posted to cumulative summary record:
RETENTION: 6 years
- c. Individual report when **not** posted to cumulative summary record:
RETENTION: 6 years after vehicle or equipment no longer in use
- d. Maintenance or repair log or similar record:
RETENTION: 6 years after last entry
- e. Reports and studies relating to maintenance, testing, service, operation and repairs for equipment or vehicles:
RETENTION: 6 years
- f. Requests for inspection, repair or service, when no work is performed and no funds expended:
RETENTION: 1 year

16.[425] **Specifications, warranty and descriptive information** received from vendor for vehicle or equipment:
RETENTION: 6 years after vehicle or equipment no longer in use

◆ 17.[426] **Vehicle routing, scheduling and usage records**, including automated system used to schedule and assign routes of service and maintenance vehicles

NOTE: This does **not** apply to emergency use of law-enforcement, fire or other emergency vehicles, which are covered by items in the Public Safety section. For usage records covering busses and other public transportation vehicles, see the Transportation and Engineering section, Public Transportation subsection.

- a. Detailed data file containing information such as on vehicle stops, usage, locations at specific times or intervals:
RETENTION: 0 after no longer needed

NOTE: Because of the amount of detailed data collected by such systems, such data may only be maintained online for a limited period of time. Some of this data may need to be retained longer to meet both administrative needs and legal requirements. It is recommended that local officials store this data offline long enough to meet such requirements.

Also, maintenance of a history file (see below) containing the most significant data elements may satisfy these administrative and legal needs.

- b. Automated system operation history file, containing significant data and/or periodic data snapshots, generated from detailed system data:
RETENTION: 6 years
- c. Logs, schedule, reports, and queries (including macros, queries and necessary documentation used in report and query generation), which contain information of legal or fiscal value:
RETENTION: 6 years
- d. Logs, schedules, reports, and queries (including macros, queries and necessary documentation used in report and query generation), which **do not** contain information of legal or fiscal value:
RETENTION: 0 after no longer needed
- e. Geographic Information System (G.I.S.) street/road data file used for vehicle routing scheduling, derived from official G.I.S. data maintained by other unit of local government:
RETENTION: 0 after no longer needed

- ◆ 18.[427] **Consumption and dispensing records** for fuel, oil, or similar products used by publicly owned vehicles or equipment:
RETENTION: 6 years

NOTE: This item does not cover fuel (jet fuel and service vehicle fuel), de-icer or other chemical storage and dispensing records for airport, which are covered by item no. 862 in the Transportation and Engineering section, Airport subsection.

- ◆ 19.[428] **Request for services or supplies**, including stockroom supplies, forms and publications, duplication, or use of any vehicle or equipment
 - a. When a chargeback or fee is involved:
RETENTION: 6 years
 - b. When **no** chargeback or fee is involved:
RETENTION: 0 after no longer needed

- 20.[429] **Federal Communications Commission (F.C.C.) private radio licensing records**

- a. Original application and other related records not created for renewal applications:
RETENTION: 5 years after **final** termination of license or denial of application
- b. Renewal application and related records, including copy of license:
RETENTION: 5 years after renewal or termination of license or denial of application
- c. Request for frequency data research:
RETENTION: 1 year
- d. Listing of locations of radios using local government private radio frequency:
RETENTION: 0 after superseded or obsolete

◆21.[430] **Petroleum bulk storage records**

- a. Registration, including application and related records:
RETENTION: 7 years after expiration or termination of registration or denial of application
- b. Monthly and ten-year mandatory inspection reports:
RETENTION: 10 years
- c. Daily and other periodic inspection reports:
RETENTION: 1 year
- d. Test certification for underground storage tank:
RETENTION: 7 years
- e. Site assessment and related records, required when an underground storage tank is abandoned:
RETENTION: **PERMANENT**
- f. Records relating to leakage and spillage:
RETENTION: **PERMANENT**
- g. Inventory monitoring records:
RETENTION: 5 years

◆22.[771] **Aquatic weed harvesting and/or control records** (covers harvesting by

mechanical or manual means or control by use of herbicides):

RETENTION: 3 years

◆◆23.[913] Hazardous waste generation records

a. Individual load delivery and other detailed records, including manifest form:

RETENTION: 3 years after waste accepted by transporter

b. Annual and exception reports:

RETENTION: 3 years after due date of report

c. Test results and waste analyses:

RETENTION: 3 years after date waste was removed

NOTE: This item covers records of local governments which generate hazardous waste but do not operate programs to collect and dispose of hazardous waste. For governments that operate such programs, item no. 190 in the Environmental Health section, Environmental Facilities: Solid Waste Management Facilities subsection, covers records of the generation, collection and disposal of hazardous waste.

◆◆24.[773] Building rehabilitation and reconstruction project files when asbestos is installed, removed, encapsulated, applied, distributed or otherwise involved:

RETENTION: 30 years

◆25.[774] Lead or copper content testing and remediation files covering lead or copper content in drinking water of public facilities

a. Water sample test results and related records, when lead or copper level exceeds the action level as defined in Section 5-1.41, *State Sanitary Code*:

RETENTION: 50 years

b. Water sample test results and related records, when lead or copper level does not exceed the action level as defined in Section 5-1.41, *State Sanitary Code*:

RETENTION: 10 years

c. Records of remediation by replacement of lead or copper plumbing:

RETENTION: 6 years after building no longer exists

d. Records of remediation by elimination or replacement of water cooler not connected to plumbing:

RETENTION: 6 years after cooler eliminated or replaced

- ◆26.[775] Pesticide (including herbicide, rodenticide and disinfectant) application record (showing kind and quantity used, dosage rate, method of application, target organism, area and time of application):
RETENTION: 3 years

NOTE: Records of incidents of possible exposure to pesticides (including herbicides, rodenticides and disinfectants), and other records created because pesticides are considered "toxic substances," are covered by item no. 325 in the Personnel/Civil Service section.
- ◆27.[776] Inventory of pesticides (including herbicides, rodenticides and disinfectants) maintained by local government:
RETENTION: 40 years after superseded or obsolete
- ◆28.[777] Annual report of pesticides (including herbicides, rodenticides and disinfectants) used, submitted to New York State Department of Environmental Conservation:
RETENTION: 2 years
- ◆29.[778] Application for business/agency pesticide registration, including all related records:
RETENTION: 1 year after superseded or invalid
- ◆30.[779] Records relating to certification for individual certified commercial applicator, including copy of application, records of training in use of pesticides, examination results, copy of certificate and recertification records:
RETENTION: 6 years
- ◆31.[780] Permits and approvals from state or county health department to operate pool or beach:
RETENTION: 3 years after denial or expiration
- ◆32.[781] Reports of pool or beach operation and inspection:
RETENTION: 21 years
- ◆33.[782] Facility inmate work crew records, covering crews from state or county correctional facilities performing work outside the facilities for local government or not-for-profit organization, including but not limited to request for work crew and site visit report:
RETENTION: 2 years
- ◆◆34.[783] Self-evaluation records, required under Americans with Disabilities Act (ADA), Rehabilitation Act of 1973 as amended, or similar state/federal laws, regulations or requirements

- a. Voluntary compliance plan for facility, including list of persons consulted, description of areas examined, transition plan, list of problems identified and description of modifications anticipated and made:

RETENTION: PERMANENT

- b. Copies of work orders, progress notes and other supporting documentation:

RETENTION: 1 year after modifications completed

◆◆35.[784]

Inspection reports, reviews and audits (internal and external) created relative to the Americans with Disabilities Act (ADA), Rehabilitation Act of 1973 as amended, or similar state/federal laws, regulations or requirements:

RETENTION: 6 years after building or facility involved is no longer in use

◆◆36.[785]

Individual case records, filed under the provisions of the Americans with Disabilities Act (ADA), Rehabilitation Act of 1973 as amended, or similar state/federal laws, regulations or requirements, including but not limited to complaint, charge or request for reasonable accommodation, medical reports, responses, records of appeals, correspondence and internal memoranda, records documenting work done in response to complaint or request, and documentation of final resolution

- a. When complaint or request is filed by officer or employee of the local government involved:

RETENTION: 3 years after resolution of case and termination of any reasonable accommodation provided

- b. When complaint or request is filed by person other than officer or employee of the local government involved:

RETENTION: 3 years after date of final entry in record, but not less than 3 years after person involved attains age 18

◆◆37.[786]

Master summary record of all cases under the Americans with Disabilities Act (ADA), Rehabilitation Act of 1973 as amended, or similar state/federal laws, regulations or requirements:

RETENTION: PERMANENT

◆38.[787]

Videotape or other recording maintained for security purposes

- a. Videotape or other recording containing incidents warranting retention for administrative or potential legal uses:

RETENTION: 3 years, but not until any minor has attained age 21

- b. Videotape or other recording not containing incidents warranting retention for administrative or potential legal uses:

RETENTION: 0 after no longer needed

- ◆39.[788] Records relating to protection of underground facilities
 - a. Notice of or request for excavation, received by local government from excavator, pursuant to 16 NYCRR, Section 753-5.2, including notice of postponement or cancellation and notice of discovery of unknown facility:
RETENTION: 4 years
 - b. Master list or central registry of operators of underground facilities located within borders of county or municipality:
RETENTION: 0 after superseded or obsolete

- ◆40.[789] Records filed by contractor or sub-contractor with local government related to public works project, pursuant to Section 220 (3-a), Labor Law, including but not limited to copy or abstract of payroll, classification of workers employed on a project, and statement of work to be performed by each classification:
RETENTION: 3 years after contract completion

- ◆41.[790] Water supply system records, covering water supply system (such as private well) maintained by local government for its own use

NOTE: Public water supply records, where a local government provides water for public consumption, are covered by items in the Environmental Health section, Environmental Facilities: General and Environmental Facilities: Public Water Supply subsections.

- a. Permits and approvals necessary to establish or operate system, including supporting data and other related records:
RETENTION: PERMANENT
- b. Original entry and intermediary charts, graphs and other data collected relating to water usage, water levels and water quality:
RETENTION: 10 years
- c. Reports and related data collection and other summary records showing long-term trends and developments:
RETENTION: PERMANENT
- d. Reports and related records not showing long-term trends and developments:
RETENTION: 10 years
- e. Reports and test results on unsatisfactory water supply samples:
RETENTION: 20 years

- f. Log recording summary information collected at periodic intervals such as changes in pressure and level, proportion of chemicals present, operational changes and problems:

RETENTION: PERMANENT

- g. Log recording all or routine information such as changes in pressure and level, proportion of chemicals present, operational changes and problems:

RETENTION: 5 years

NOTE: If no logs containing summary information are generated, local governments may wish to retain all or some records covered by part "g" of this item longer, for both long-term administrative use and for potential research purposes.

- ◆42.[878] **Energy consumption monitoring records** showing use of electricity or fuel, operation of heating and/or cooling equipment, or environmental conditions (temperature, humidity, air quality) in various parts of publicly owned or operated building or other facility

- a. Detailed data collected from sensors or monitors, and detailed reports generated from such data:

RETENTION: 0 after no longer needed

NOTE: Some of this data and these detailed reports may need to be retained for 6 years for energy consumption trending analysis or energy consumption audit purposes. The State Archives recommends that local governments consult the Office of the State Comptroller or their own auditor to determine which data may have long-term value.

- b. Equipment maintenance, testing and service records, **except** detailed records of routine activities:

RETENTION: 6 years after equipment no longer in use

- c. Detailed records of routine maintenance, testing and service:

RETENTION: 6 years

- d. Reports relating to energy consumption and environmental conditions, including reports of problems and corrective actions taken, summary reports of environmental conditions, and reports showing long-term energy consumption trends, along with accompanying charts, graphs and data tables:

RETENTION: 6 years

NOTE: Appraise these records for historical or other long-term significance prior to disposition. Records showing long-term trends in energy use may need to be retained permanently, or at least 6 years after the building or other facility is no longer in use. Contact the State Archives for additional advice.

◆43.[791] **Records relating to mines owned or operated by local government**

- a. Plans, maps and environmental impact statements generated as part of application process to obtain permit from New York State Department of Environmental Conservation to operate mine, or to obtain permit renewal:
RETENTION: PERMANENT
- b. Other records generated as part of application process to obtain permit from New York State Department of Environmental Conservation to operate mine, or to obtain permit renewal, including but not limited to original and renewal application, actual permit, reports and correspondence:
RETENTION: 3 years after mine closed and land reclaimed
- c. Mine registration with the United States Department of Labor, Mine Safety and Health Administration (MSHA) known as "Legal Identity Report":
RETENTION: 3 years after mine closed and land reclaimed
- d. Listing of employment, accident and injury data, submitted annually by MSHA to local government:
RETENTION: 5 years
- e. Quarterly mine employment and coal production report, submitted to MSHA, as required by *30 CFR*, Section 50.30:
RETENTION: 5 years
- f. Basic information on employees working at mine, known as "population survey," submitted to MSHA, as required by *30 CFR*, Section 45.4:
RETENTION: 0 after no persons listed on report still work at mine

NOTE: The annual training plan for employees who work at a mine is covered by item no. 584 in the General section. Accident and personal injury reports are covered by item no. 741 in the Personnel/Civil Service Section, Personnel subsection. The rescue plan is covered by item no. 449 in the Public Safety section, Fire Fighting and Prevention subsection.

Training certification records for each employee working at a mine are covered by item no. 314 in the Personnel/Civil Service section, Personnel subsection.

PUBLIC SAFETY

E-911 AND RELATED RECORDS

- ◆ 1.[792] **Master Street Address Guide (MSAG) and related records**
- a. MSAG data base, containing such information as road/street names, address ranges, addresses, community names, telephone numbers, and information on properties, structure and individuals:
RETENTION: Maintain as perpetual data file, and 1 year after replaced by superseding MSAG data file.
- NOTE:** Appraise these records, which may contain valuable information on properties, structures and residents, for secondary uses as well as historical significance prior to disposition. Periodic "snapshots" of this data may be created and maintained as either electronic files saved to disk, tape or diskette, or as hard-copy output such as printed maps, or in both formats. Contact the State Archives for additional advice on the creation and maintenance of these records.
- b. Street alias file, containing alternative road or street names:
RETENTION: Maintain as perpetual data file, and 3 years after replaced by superseding street alias file.
- c. Records of updates, corrections and confirmations to MSAG database, including assignments of new or revised street addresses:
RETENTION: 3 years
- d. Non-permanent road/street related information, such as relating to temporary closure of road or street:
RETENTION: 3 years after information becomes invalid
- ◆ 2.[793] **Telephone utility address records**
- a. Copy of database or printout received from telephone utility:
RETENTION: 0 after no longer needed
- b. Updates, corrections, trouble reports and Automatic Location Information (ALI) discrepancy reports, submitted to and received from telephone utility:
RETENTION: 1 year

- ◆3.[794] **Non-emergency call receipt and response records**, such as those contained in E-311 system, E-911 system module, or other electronic or manual system by which non-emergency calls are handled:
RETENTION: 1 year

- ◆4.[795] **Automatic Number Information (ANI) and Automatic Location Information (ALI) records**
 - a. ALI database, containing street address information on each telephone number:
RETENTION: 0 after no longer needed

NOTE: Local governments which do not maintain MSAG data files may wish to retain this record as a perpetual data file, and for 1 year after replaced by a superseding data file.

 - b. ANI and ALI reports, such as printouts of ANI or ALI screen displays and similar records, but **not** including ALI discrepancy reports:
RETENTION: 0 after no longer needed

NOTE: Local governments should consult their attorney or counsel before these records are disposed of regarding any potential legal value.

- ◆5.[796] **E-911 system development and implementation records**
 - a. Feasibility and implementation reports and studies:
RETENTION: 6 years after completion of project

NOTE: Appraise these records for historical significance prior to disposition. Because of the costs involved and significance of implementing E-911 and related systems, these records may be important in documenting the system itself as well as the implementation process. Contact the State Archives for additional advice.

 - b. Background materials used in preparing feasibility and implementation reports and studies, preliminary maps, and detailed statistical and other supplementary data accompanying reports and studies:
RETENTION: 6 years after completion of project

 - c. Records relating to establishment of road/street names, address ranges and addresses, including changes in names of roads/streets and address range

changes, including standards followed for naming, addressing and address conversions:

RETENTION: PERMANENT

- d. Aerial photographs and final maps created in conjunction with system implementation:

RETENTION: PERMANENT

COMPUTER-AIDED DISPATCH (CAD)

- ◆1.[797] **Computer-aided dispatch (CAD) or incident data file**, containing data on each call received and equipment dispatch or other resulting action taken:

RETENTION: 3 years

NOTE: In some automated systems no MSAG data file exists, and the CAD or incident data file assumes this function. In these cases local governments should consider maintaining this record as a perpetual data file, and 1 year after replaced by superseding data file.

NOTE: Incidents involving minors, casualties, serious injuries, homicides, fires which are incendiary in nature or under investigation, or unsolved law enforcement cases, may necessitate retention of data relating to these incidents longer for potential or ongoing legal needs. Contact the State Archives for additional advice.

- ◆2.[431] **Emergency call receipt and/or equipment dispatch record**, including but not limited to police or fire incident report or alarm report, generated each time an alarm or call is received and equipment is dispatched or other resulting action taken

- a. When record contains **no** information on emergency medical treatment of an individual:

RETENTION: 3 years

NOTE: Incidents involving minors, casualties, serious injuries, homicides, fires which are incendiary in nature or under investigation, or unsolved law enforcement cases, may necessitate retention of data relating to these incidents longer for potential or ongoing legal needs. Records custodians may wish consult their attorney, counsel or law enforcement agency before these records are disposed of regarding any potential longer legal value. Contact the State Archives for additional advice.

- b. When record contains information on emergency medical treatment of an individual:
RETENTION: 6 years, or 3 years after individual attains age 18, whichever is longer

◆3.[798] **Geographic Information System (G.I.S.) records used in emergency dispatch process**

- a. Street, road right-of-way, road centerline, hydrant, tax parcel or other data layer (official copies maintained and/or updated by dispatching unit):
RETENTION: Maintain as perpetual data files, and 1 year after superseded.
- b. Street, road right-of-way, road centerline, hydrant, tax parcel or other data layers (other than official copies, where official copy is maintained by other unit of local government which maintains the G.I.S.):
RETENTION: 0 after no longer needed
- c. G.I.S. file and process documentation records, covering G.I.S. operations where dispatch unit creates, revises or performs analyses on data layers and related files:
RETENTION: Maintain until G.I.S. system used in dispatch is superseded or no longer used.

◆4.[432] **Communications log** (radio, telephone, alarm or other) recording each communication between caller and receiving unit **or** between dispatch unit and mobile unit or field personnel, for law enforcement agency, fire department or district, emergency medical or central emergency dispatch unit:
RETENTION: 3 years after last entry

NOTE: Local governments should consult their attorney or counsel before these records are disposed of regarding any potential legal value.

◆5.[433] **Tape recording of communications** kept by dispatch unit of law-enforcement agency, fire department or district, emergency medical service or central emergency dispatch unit:
RETENTION: 0 after information posted to emergency call receipt and/or equipment dispatch record

NOTE: Records custodians may wish consult their attorney, counsel or law enforcement agency before these records are disposed of regarding any potential

legal value. The State Police suggests that these tapes be retained for at least 30 days if economically feasible. Recordings of serious incidents may warrant longer retention for legal reasons. These tapes should be retained until legal action is resolved, or the relevant specific communications should be transferred onto a separate tape. Contact the State Archives for additional advice.

- ◆6.[799] **Call receipt and dispatch related reports**, other than individual incident reports
 - a. Incident data files submitted to New York Department of State:
RETENTION: 2 years
 - b. Summary data reports and detailed reports containing information of potential legal or fiscal value:
RETENTION: 6 years
 - c. Internal information reports of no legal or fiscal value, such as daily activity reports:
RETENTION: 0 after no longer needed

PUBLIC SAFETY: GENERAL

NOTE: Software and software manuals and documentation are not considered "records" under the Local Government Records Law. Local governments may need, however, to retain older versions of software, as well as relevant manuals and documentation, to document the operation of public safety related systems for legal purposes, such as defending the integrity of systems in court actions. Contact your counsel or attorney for advice in this area prior to destroying outdated software and related documentation.

- ◆1.[471] **Accreditation records for law enforcement, firefighting or prevention or emergency medical services agency or unit:**
RETENTION: PERMANENT

- ◆2.[800] **Emergency vehicle, apparatus and equipment records**

NOTE: Items covering purchase, warranty, repair, fuel use, and replacement are found in the Public Property and Equipment section.

- a. Vehicle upkeep and use records, including records of incidents where vehicle responded and equipment was used:
RETENTION: 3 years

- b. Vehicle readiness checklist, or equivalent record, for any emergency vehicle, needed to ensure that necessary equipment and material is in place and in proper order:
RETENTION: 3 years
- c. Record of equipment (other than firearms) issued to public safety personnel:
RETENTION: 1 year after equipment returned or otherwise disposed of

◆3.[435] **Training records for law-enforcement officers, E-911, dispatch or fire-fighting personnel, but excluding emergency medical personnel**

- a. Individual's record of courses attended and/or completed, including basic information on course content:
RETENTION: 6 years after individual leaves service

NOTE: Local officials may wish to keep these records longer, possibly for the career of the individual, if the records are consulted throughout that period.

- b. Official copy of training manual or bulletin:
RETENTION: 50 years
- c. Course instruction records, including attendance lists and lesson plan:
RETENTION: 1 year

◆4.[801] **Alarm records**

- a. Permit files for connecting fire, water or burglar alarm to public safety agency emergency telephone system, including applications, copies of permits, inspection reports and related records:
RETENTION: 6 years after denial, expiration or renewal
- b. Alarm or fire alarm box call record containing basic information on each alarm transmitted:
RETENTION: 3 years
- c. False alarm records, including but not limited to lists of false alarms, notices sent to property owners and records of assessing and collecting fines for responses to false alarms:
RETENTION: 6 years

- d. Alarm location records, including maps and listing and descriptions of alarms:
RETENTION: 3 years after superseded or obsolete

- ◆5.[802] **Public safety personnel service data file** or equivalent record, including incident and activity attendance information showing names of personnel present at fire or other emergency, including attendance at training, drills, meetings and other official activities

NOTE: This item does not cover the personnel records of officer, employee or volunteer. See the Personnel/Civil Service section of this schedule.

- a. Summary data on an individual:
RETENTION: 3 years
- b. Detailed data on an individual, when posted to or listed on summary data file or other record:
RETENTION: 1 year
- c. Detailed data on an individual, when **not** posted to or listed on summary data file or other record:
RETENTION: 3 years

- ◆6.[803] **Public safety real property data file**, containing basic and detailed information on land and structures, including hazards, property inspections, and individuals associated with properties

- a. Basic or "history file" data:
RETENTION: Maintain as updated perpetual data file, for as long as system remains in use and property covered comes under service area.

NOTE: Local governments should **consider** permanent retention of the basic data elements of these property "history" files for all parcels of property, or the creation and permanent retention of "snapshots" of this data. This information may be useful for long-range planning purposes, and for community, urban planning, public safety issues, and other research. Contact the State Archives for additional advice.

- b. Detailed data, including plans and computer-assisted design records:
RETENTION: 0 after superseded or obsolete

- c. Records of updates and corrections to property data:
RETENTION: 3 years after update or correction made

◆◆7.[804] Documentation of macros, queries, and reports

- a. Relating to specific case investigation or subject file:
RETENTION: Retain as long as the case investigation or subject file for which the documentation is created is retained.
- b. Not relating to specific case investigation or subject file:
RETENTION: 0 after no longer needed

NOTE: Depending on the results obtained from generating these macros, queries and reports, local officials may wish to retain these records for potential legal and other uses.

◆8.[805] Hazardous materials records

- a. Hazardous materials location report or exemption filed with fire department or district, or equivalent record:
RETENTION: 3 years after hazardous materials no longer stored at site

NOTE: Local officials may wish to retain these records longer, possibly as long as 40 years, if the hazardous materials listed on this record include substances listed in Subpart Z, 29 *CFR* (federal O.S.H.A. Regulations).

- b. Textual reference information containing medical, chemical or other information used to assist dispatchers and responding personnel, and maps of agency/service coverages:
RETENTION: 3 years after superseded or obsolete

- c. Reports on hazardous materials found in the service area in its entirety, or at specific locations:
RETENTION: 3 years after hazardous materials listed in report are no longer present at listed sites

NOTE: Local officials may wish to retain these records longer, possibly as long as 40 years, if the hazardous materials listed on this record include substances listed in Subpart Z, 29 *CFR* (federal O.S.H.A. Regulations). In addition, if these reports document the presence of hazardous materials in a community at a given time, they should be appraised for historical

significance. These records may have immediate significance for fire fighting and disaster prevention and long-term research value in situations where the hazardous materials found in the area had a significant impact on the community. Contact the State Archives for additional advice.

- ◆9.[806] Standard Operating Procedures for call receipt and dispatch, including codes, abbreviations and authority file data:
RETENTION: PERMANENT

NOTE: Detailed routine procedures are covered by item no. 9 in the General section.

- ◆10.[807] Reference files on municipalities, districts and volunteer entities in service or neighboring areas:
RETENTION: 0 after superseded or obsolete

NOTE: Appraise these records for historical significance prior to disposition. These records may have long-term historical value in documenting emergency services in a given area. Contact the State Archives for additional advice.

EMERGENCY MEDICAL SERVICES

- ◆1.[808] Patient care records
 - a. Ambulance run or prehospital care record created each time a patient is transported by emergency vehicle and/or administered medical treatment:
RETENTION: 6 years, or 3 years after individual treated and/or transported reaches age 18, whichever is longer
 - b. Patient care data file, containing medical treatment and/or billing information on individual treated by emergency medical personnel:
RETENTION: 6 years, or 3 years after individual treated and/or transported reaches age 18, whichever is longer
 - c. Summary record of all patients treated and/or transported:
RETENTION: 3 years

- ◆2.[440] Ambulance run or emergency medical treatment chronological log, or equivalent record:
RETENTION: 6 years after last entry

◆3.[441] **Emergency medical training records**, covering local government employees who receive training

- a. Application for training or certification filed by individual:
RETENTION: 6 months
- b. Original entry training records, when posted to summary record:
RETENTION: 1 year
- c. Original entry training records, when **not** posted to summary record:
RETENTION: 7 years
- d. Summary record of training:
RETENTION: 7 years

NOTE: Local officials may wish to keep these records longer, possibly for the career of the individual, if the records are consulted throughout that period.

- e. Course materials, **except** final or annual reports:
RETENTION: 7 years after course completed

◆4.[809] **Emergency medical training records**, covering local governments which are course sponsors, including but not limited to information on individuals, course files, and information on instructors, as required by Section 800.20, *10 NYCRR*

- a. Information on individuals and course files:
RETENTION: 5 years
- b. Information on instructors:
RETENTION: 5 years after working association of each instructor ceases

◆5.[810] **Rescue and disaster response reports** and related records, covering specific incidents:
RETENTION: 3 years, but not until 3 years after any minor involved attains age 18

NOTE: Specific rescue and disaster response records should be appraised for historical value, and may warrant permanent retention, based on the serious nature of the incident involved. These records may not be duplicated in disaster response files, covered by item no. 136 in the Disaster Preparedness section. Contact the

State Archives for additional advice.

- ◆6.[811] **Emergency medical services reports**, containing information on such subjects as specific types of medical emergencies, types of supplies used, and call frequency
 - a. Reports containing billing information:
RETENTION: 7 years
 - b. Reports **not** containing billing information:
RETENTION: 1 year
 - c. Summary data received from New York State Department of Health:
RETENTION: 0 after no longer needed

FIRE FIGHTING AND PREVENTION

- ◆1.[442] **Blotter** or equivalent record providing summary information on all significant activities of a fire department or district:
RETENTION: PERMANENT
- ◆2.[443] **Log**, journal or similar chronological record of all activity at a fire station:
RETENTION: 3 years after date of most recent entry
- ◆3.[444] **Fire department or district incident listing or report**, received from New York State Department of State
 - a. When blotter or equivalent record is **not** kept by department or district:
RETENTION: PERMANENT
 - b. When incidents listed on printout are also shown on blotter or log:
RETENTION: 0 after no longer needed
- ◆4.[445] **Reports on fire-fighting activity, not including** incident reports
 - a. Reports dealing with serious incidents or problems, or major issues with long-term implications, such as covering overall status of fire-fighting apparatus, equipment and facilities, fire-fighting readiness capability and personnel performance evaluation, and fire casualty reports:
RETENTION: PERMANENT
 - b. Reports on routine activities, including but not limited to daily activity

report, daily communications report, false alarm investigation report, and other periodic report, which contain information of legal or fiscal value:

RETENTION: 6 years

- c. Reports on routine activities, which **do not** contain information of legal or fiscal value, and reports which contain information duplicated in reports covered by part "a" or part "b," above:

RETENTION: 0 after no longer needed

- d. Informational reports received from county fire coordinator:

RETENTION: 0 after no longer needed

◆ 5.[446] **Fire investigation records**

- a. First, second or third degree arson investigation records, disaster or casualty investigation records, or records of investigations of major fires or significant fires of suspicious origin:

RETENTION: PERMANENT

- b. Fourth degree arson investigation records:

RETENTION: 10 years

- c. Routine fire investigation records, not covered by parts "a" or "b," above:

RETENTION: 3 years

- d. Master summary record of all fire investigations:

RETENTION: PERMANENT

◆ 6.[447] **Fire mutual aid plan**

- a. Final plan, including maps and other attachments:

RETENTION: PERMANENT

- b. Background materials and supporting documentation used in producing final plan:

RETENTION: 3 years after final plan completed

◆ 7.[448] **Fire safety inspection records**

- a. Master summary record of inspections performed:

RETENTION: PERMANENT

- b. Report on inspection at school, public building, multifamily dwelling, or commercial or industrial facility and notice of violation:
RETENTION: 21 years
 - c. Report on inspection of single family dwelling and notice of violation:
RETENTION: 6 years

- ◆ 8.[449] **Fire evacuation plan, disaster response plan, fire drill report, fire safety survey, but not including mutual aid plan:**
RETENTION: 3 years after superseded or obsolete

- ◆ 9.[450] **Fire hydrant records**
 - a. Master record of hydrant locations:
RETENTION: 0 after superseded
 - b. Installation, repair, location, maintenance, inspection and replacement records:
RETENTION:

- ◆ 10.[453] **Copies of volunteer department or organization fund-raising records, maintained by municipality or fire district:**
RETENTION: 6 years

- ◆ 11.[454] **Volunteer Firefighter Service Awards benefit plan**
 - a. Benefit plan (including all revisions):
RETENTION: 0 after superseded and no longer needed to determine benefits
 - b. Drafts and supporting documentation used in producing and updating plan:
RETENTION: 1 year

- ◆ 12.[455] **Annual report ("census of members") received from Volunteer Firefighters Insurance Service (VFIS):**
RETENTION: 0 after superseding report received

- ◆ 13.[456] **Summary records of volunteers listing credits earned and providing breakdown of types of services and how credits earned**
 - a. Annual summary report or listing:
RETENTION: 55 years

- b. Monthly or other periodic reports or listings:

RETENTION: 3 years

◆ 14.[457] Volunteer Firefighter Service Awards records relating to individual volunteer

- a. Records showing credits earned and providing breakdown of types of services and how individual earned credits:

RETENTION: 6 years after individual leaves service

- b. Copy of initial and vested certificates of membership in awards plan: **RETENTION:** 6 years after individual leaves service

- c. Copy of application to join service awards plan and/or life insurance plan, along with declination statement and related records:

RETENTION: 6 years after individual leaves service

- d. Beneficiary designation records:

RETENTION: 0 after superseded or obsolete

- e. Records relating to individual's challenge to plan's, department's or district's assignment or of number of points earned:

RETENTION: 3 years after appeal concluded or other disagreement otherwise resolved

◆ 15.[812] Controlled burn records, covering legally approved burning of leaves and debris permitted by fire department or district:

RETENTION: 3 years

LAW ENFORCEMENT: GENERAL

◆ 1.[458] Incident data summary record, including blotter, "desk record book," or equivalent record containing summary record of department or station activities:

RETENTION: PERMANENT

◆ ◆ 2.[466] Law enforcement reports, studies or data queries, including their documentation

- a. Reports, studies or queries having legal or fiscal value, such as reports covering use of equipment and personnel resources, reports on crime in specific neighborhoods or on specific kinds of criminal activity, daily

activity reports and individual officer "diaries":

RETENTION: 6 years

NOTE: Appraise records covered by part "a" for archival value. Reports and studies analyzing law enforcement activity within a municipality for specific kind of criminal activity or a given area may be valuable for long-term planning, analysis of trends in law enforcement, and for historical and other research. Contact the State Archives for additional advice.

- b. Reports, studies or queries having no legal or fiscal value, such as daily communications or other routine internal reports:

RETENTION: 0 after no longer needed

- c. Uniform Crime Reports submitted to State Division of Criminal Justice Services:

RETENTION: 1 year

- d. Incident-based reports or queries:

RETENTION: 3 years

- e. Report or study of law enforcement activity within municipality, generated for local law enforcement agency by county, regional or state law enforcement agency (local law enforcement agency copy):

RETENTION: 0 after no longer needed

NOTE: Appraise records covered by parts "e" and "f" for archival value. Reports and studies analyzing law enforcement activity within a municipality or specific area may be valuable for long-term planning, analysis of trends in law enforcement, and for historical and other research. Contact the State Archives for additional advice.

- f. Report or study of law enforcement activity within municipality, generated for local law enforcement agency by county, regional or state law enforcement agency (copy retained by county or regional creating agency):

RETENTION: 3 years

- ◆◆3.[460] Case investigation record for adult, juvenile offender, youthful offender or juvenile delinquent, including but not limited to complaint, investigation report, arrest report, property record, and disposition of the case

- a. For homicides, suicides, arson (first, second or third degree), missing persons (until located), active warrants, and stolen or missing firearms (until

recovered or destroyed):

RETENTION: PERMANENT

- b. For all felonies except those covered by parts "a" and "c", and fatalities other than homicides:

RETENTION: 25 years after case closed

NOTE: Appraise case investigation files for these felonies for historical and other research value, as well as for analysis of long-term trends. Contact the State Archives for additional advice.

- c. For fourth degree arson and non-fatal accidents:

RETENTION: 10 years after case closed

- d. For misdemeanor:

RETENTION: 5 years after case closed

- e. When offense involved was a violation or traffic infraction:

RETENTION: 1 year after case closed

- f. When investigation reveals no offense has been committed by adult:

RETENTION: 5 years

- g. When individual involved was a juvenile and no arrest was made, or no offense was committed:

RETENTION: 1 year after individual attains age 18

- h. Domestic incident report, created pursuant to Section 140.10(5), Criminal Procedure Law, when case investigation record is created:

RETENTION: Retain for 4 years or as long as rest of case investigation report, whichever is longer.

- ◆4.[813] Master summary record of case investigation information:

RETENTION: 0 after no longer needed to access case investigation records

NOTE: Appraise this record for archival value. This record may supplement the incident data summary record in providing summary information on all case investigations conducted by the law enforcement agency. Contact the State Archives for additional advice.

- ◆5.[461] Individual identification file, except jail or penitentiary prisoner case record, including but not limited to fingerprint cards, photographs, record sheets from other

agencies, local arrest and disposition records, and miscellaneous reports

NOTE: Section 160 of the Criminal Procedure Law requires that individual identification records be returned to the individual involved or destroyed when criminal actions are terminated in favor of the accused or by conviction for a noncriminal offense.

- a. When offense involved was a crime (misdemeanor or felony):
RETENTION: 5 years after death of individual, or 0 after individual attains age 80, whichever is shorter, provided no arrest in the last 5 years

NOTE: Records created before establishment of the D.C.J.S. statewide automated identification system in 1966 are not duplicated at the state level and should be appraised for both archival value and ongoing legal and administrative purposes. Contact the State Archives for additional information.

- b. When offense involved was a violation or traffic infraction:
RETENTION: 5 years

- c. Digital "mug shot" file, containing digital photos and relevant accompanying data on an individual, when official copies of photos are retained in hard copy as part of part "a" or "b," above:
RETENTION: 0 after no longer needed

NOTE: Digital "mug shot" file, containing digital photos and relevant accompanying data on an individual, when official copies of photos are not retained in hard copy, must be retained as specified in part "a" or "b," above.

NOTE: Appraise these digital files for archival, legal and administrative value. They may have long term value in criminal investigation. Contact the State Archives and the Division of Criminal Justice Services for additional advice.

- d. Digital fingerprint file, containing digital images used to produce fingerprint cards:
RETENTION: 0 after no longer needed
- e. Photo arrays, created by combining identification photos for identification and investigative purposes:
RETENTION: Retain as long as relevant case investigation record.
- f. Criminal record summaries ("rap sheets"), received from Federal Bureau of Investigation or other law enforcement agency:
RETENTION: Retain most current copy as long as relevant case investigation, or 0 after superseded or obsolete if unrelated to case investigation.
- g. Authorized requests for criminal information contained in local government law

enforcement agency records, along with response and record of action taken:

RETENTION: 6 years

- ◆6.[814] Personal information data me
 - a. Data on criminals and suspects:
RETENTION: Retain data for 5 years after death of individual, or 0 after individual attains age 80, whichever is shorter, provided no arrest in the last 5 years.
 - b. Data on associated persons, such as victims, relatives and witnesses:
RETENTION: Retain data as long as, or information as part of, relevant case investigation record.
 - c. Documentation of updates and changes to data:
RETENTION: Retain as long as data which has been changed or updated.
 - d. Trouble and discrepancy reports regarding personal information data: **RETENTION:** 3 years

- ◆7.[815] County- or region-wide arrest information cumulative data me, covering county- or region-wide area:
RETENTION: Maintain as perpetual data file, with superseded or corrected data maintained for 3 years after data updated.

- ◆8.[816] Profiling reports and related records, including macros, workspaces or other files (including all documentation) created in profiling process
 - a. Relating to specific case investigation:
RETENTION: Retain as long as relevant case investigation record.
 - b. Not relating to specific case investigation:
RETENTION: 0 after obsolete

- ◆◆9.[914] Confidential informant records, maintained separately from confidential informant information contained in case investigation records
 - a. Master index or listing of confidential informants:
RETENTION: PERMANENT
 - b. Detailed information on confidential informant:
RETENTION: 0 after individual is deceased or attains age 90

LAW ENFORCEMENT: PERSONAL PROPERTY

- ◆ 1.[462] Personal property record
 - a. For dangerous weapon, including but not limited to receipt, identification tag, and report of destruction:
RETENTION: 6 years after disposition of property, or 0 after disposition of any related case investigation records, whichever is longer

NOTE: Local law enforcement officials may wish to retain these records longer for investigative or other long-term administrative purposes. See also item no. 492, below.
 - b. For other property, including but not limited to receipt, confiscated currency report, identification tag, and report of public auction or destruction:
RETENTION: 6 years after disposition of property
- ◆ ◆ 2.[465] Identification records for an individual person or for number-engraved property
 - a. Personal identification card for an individual, including Sheriff ID, copies of child fingerprint records and records of distribution of child identification kits:
RETENTION: 0 after no longer needed

NOTE: Local governments should consult with their legal counsel to determine if these records merit continuing retention due to legal value or for law enforcement purposes, such as in locating and identifying missing children.
 - b. Property number assignment register:
RETENTION: 0 after obsolete
 - c. Identification/validation records for missing or stolen property, license plates, licenses, registrations or ID cards (if not part of case investigation records):
RETENTION: 0 after no longer needed
- 3.[469] Pawn shop records, including lists of pawn shops, purchase and sale reports and reports on stolen property:
RETENTION: 5 years
- 4.[487] Bicycle licensing or registration record
 - a. When a fee is charged:

RETENTION: 6 years after expiration or renewal

b. When **no** fee is charged:

RETENTION: 1 year after expiration or renewal

LAW ENFORCEMENT: FIREARMS

◆ 1.[490] **Firearm licensing file**, including application for license to sell, carry, possess, repair and dispose of firearms, and supporting records such as affidavit of character reference, and verification of reason for license

a. When application is approved:

RETENTION: 6 years after license was renewed, canceled, revoked, or expired, or after individual is known to have deceased or reached age 90

b. When application is disapproved, after any litigation is completed:

RETENTION: 6 months

2.[491] **Individual firearm purchase record:**

RETENTION: 6 years

◆ 3.[492] **Certificate of nondestruction of, or notice of intent to destroy, weapon or dangerous instrument, appliance, or substance**, including results of New York State Police files search:

RETENTION: 6 years after disposition of property, or 0 after disposition of any related case investigation records, **whichever is longer**

NOTE: See also item no. 462, above.

◆ 4.[494] **Records of issuance of firearms or other weapons to law enforcement personnel:**

RETENTION: 3 years after return or other disposition of weapon

◆ 5.[495] **Repair and maintenance records for firearms or other weapons used by law enforcement personnel:**

RETENTION: 3 years after weapon no longer in use

◆ 6.[817] **Record of stolen or missing firearms:**

RETENTION: 0 after all firearms are located or destroyed

LAW ENFORCEMENT: MOTOR VEHICLES (including watercraft)

- ◆1.[481] **Traffic and parking violation records**, including parking, speeding or other appearance ticket (other than court's copy); officer's supporting deposition; parking violation hearing records; "boot and tow" records; and related records:
RETENTION: 2 years after any litigation has been completed
- ◆2.[485] **Speed-timing records**
- a. Original record produced by radar or other speed-timing device:
RETENTION: 2 years after any litigation has been completed
- b. Records of use of speed-timing, such as radar activity log and reports of speed monitoring:
RETENTION: 3 years
- NOTE:** These records may have long-term value in transportation planning, in providing information on average and excessive speeds for specific road segments.
- c. Calibration and other quality control and testing records for speed-timing devices:
RETENTION: 3 years after device no longer in use
- ◆3.[482] **Vehicle accident case record**, including vehicle accident report and related records, after any litigation has been completed:
RETENTION: 6 years, or 3 years after youngest individual involved attains age 18, whichever is longer
- NOTE:** This item does not cover the case investigation record. See item no. 460, above.
- ◆4.[483] **Vehicle history files**, including information on specific vehicles or vehicle models, including those which have been involved in accidents or used in the commission of crimes:
RETENTION: 0 after no longer needed
- ◆5.[484] **Individual's driving and accident records**

- a. Order, report, or notice concerning vehicle operator's license or registration, including but not limited to order of suspension or revocation of license, notice of compliance with order of suspension or revocation, notice of noncompliance, notice of restoration of license, and report of lost or stolen plates:

RETENTION: 3 years

- b. Driver's summary record of accidents, violations and other activities:

RETENTION: 0 after death of individual, or 90 years after date of birth, if death not verified

- ◆6.[486] **Impounded or abandoned vehicle record**, including but not limited to impound report, tow-away notice to owner, request for information to determine the last owner, notice to owner and lien holders that vehicle has been taken into custody as abandoned, affidavit stating how ownership was acquired by municipality, transfer of ownership document, and bill of sale:

RETENTION: 6 years after disposition of vehicle by local government

- 7.[488] **Reports or other records of repossessed vehicles, not impounded by law enforcement agency:**

RETENTION: 1 year

- ◆8.[489] **Vehicle towing records**

- a. Lists of companies available for towing vehicles:

RETENTION: 0 after superseded or obsolete

- b. Contract or agreement with towing firm:

RETENTION: 6 years after expiration or termination

- ◆9.[818] **Driver-vehicle examination report or equivalent record**, created when local law enforcement agency conducts motor carrier safety inspection:

RETENTION: 7 years

- ◆10.[819] **Motor vehicle accident and other summary data**, reports and other records:

RETENTION: 6 years

NOTE: Appraise these records for archival value. These records may be useful in providing summary information on all motor vehicle accidents, and may reveal long-term trends and accident-prone areas and vehicles. Contact the State Archives for additional advice.

LAW ENFORCEMENT: INCARCERATION

- ◆1.[474] **Master summary record of all prisoners**, including "daily record of the commitments and discharges of all prisoners," including date of entrance, name, offense, term of sentence and other information required by Section 500-f, Correction Law:
RETENTION: PERMANENT
- ◆2.[820] **Prisoner data file:**
RETENTION: Maintain data for each prisoner 15 years after death or discharge of that prisoner.
- NOTE:** If this record takes the place of the master summary record (item no. 474, above) then it must be retained permanently.
- ◆3.[475] **Prisoner case record**
- a. Case records, including but not limited to commitment, general information history, presentence investigation reports, record sheets from other agencies, record of personal property taken from prisoner upon commitment, record of letters written and received, copies of general correspondence concerning prisoner, reports of infractions of rules, prisoner's health records, and suicide prevention screening records, **but not including** commissary records:
RETENTION: 15 years after death or discharge of prisoner
- b. Commissary records, including listing of items requested by prisoner, and prisoner transaction record:
RETENTION: 3 years
- ◆4.[476] **Facility housing supervision records, including prisoners' activities log**, including such information as identities of visitors, prisoners' phone calls and mail, and records of visits to cells by officers checking on condition of prisoners:
RETENTION: 3 years
- ◆5.[477] **Prisoners' periodic work report** listing names of prisoners by work assignments:
RETENTION: 3 years after all prisoners listed have been discharged
- ◆6.[478] **Complaint or incident report involving alleged prisoner abuse, injury, or similar occurrence** showing description of the problem, identifying the individuals involved and stating the action taken, after any litigation has been

completed:

RETENTION: 6 years, or 0 after individual involved attains age 21, whichever is longer

- ◆ 7.[479] **Inspection, audit and other reports or studies**, conducted by New York State Commission of Correction or other state or local agency, covering such subjects as jail conditions, compliance with state standards, and prisoner fatalities:

RETENTION: 6 years

NOTE: Appraise these records for archival value. Local officials should retain permanently any reports or studies documenting serious incidents or problems. Contact the State Archives for additional advice.

- ◆ 8.[480] **Reports relating to local correctional facility or lock-up**

- a. Reports containing legal and fiscal information:

RETENTION: 6 years

NOTE: Appraise these records for archival value. Reports and studies analyzing facility prisoners, occupancy or conditions may be useful for long-term planning, analysis of trends in law enforcement, and for historical and other research. Contact the State Archives for additional advice.

- b. Reports of short-term internal administrative value:

RETENTION: 0 after no longer needed

- ◆ 9.[821] **Population counts, including daily census of prisoners:**

RETENTION: 3 years

- ◆ 10.[822] **Visitation records**, including schedule of visits and visitor identification information:

RETENTION: 3 years

- ◆ 11.[823] **Dietary services records**

- a. Food service records, including meal counts, roster of prisoners' diet orders, and dietary services studies:

RETENTION: 3 years

- b. Menus:

RETENTION: 1 year

- ◆ 12.[824] **Health and sanitation inspection and related records**, including records of action taken to correct any problems:
RETENTION: 6 years
- ◆ 13.[825] **Review and censorship records for incoming printed materials and publications**, including evaluations by staff and suitability determinations:
RETENTION: 3 years
- ◆ 14.[826] **Prisoner exercise records**, including schedule of exercise periods, results of exercise area searches and explanation of any limitations of exercise:
RETENTION: 3 years
- ◆ 15.[827] **Application of change in maximum facility capacity**, including determination from New York State Commission of Correction, facility staffing determinations, and related records:
RETENTION: 3 years after superseded by subsequent change in capacity
- ◆ 16.[828] **Substitute jail order** issued by New York State Commission of Correction, authorizing the confinement of some of all prisoners in another correctional facility, and related records:
RETENTION: 3 years

NOTE: Appraise these records for archival value. These records may provide important information on conditions at the correctional facility which warrant the moving of prisoners to another facility. Contact the State Archives for additional advice.

LAW ENFORCEMENT: MISCELLANEOUS

- ◆ 1.[459] **Warrant execution and subpoena or summons service records**
 - a. Original signature copies of arrest and other warrants executed by law enforcement agency:
RETENTION: 5 years after warrant executed or recalled
 - b. Other warrant related records, including copies without original signatures and warrant control records:
RETENTION: 5 years after date of most recent entry in record
 - c. Copies of subpoenas and summonses, and records of their service:

RETENTION: 2 years

d. Warrant information file:

RETENTION: Maintain data on each warrant as long as that warrant is valid.

◆2.[829] **Domestic violence records**, covering single or multiple incidents, not relating to specific case investigation records, including domestic incident report, created pursuant to Section 140.10(5), Criminal Procedure Law, when **no** case investigation record is created:

RETENTION: 4 years

3.[472] **Results of alcohol and drug tests administered by law enforcement personnel**, when not included in case investigation records:

RETENTION: 5 years

◆4.[463] **Escort service record**, including activities such as funeral, parade, military escort, escorting prisoner to and from court or jail, and delivery of blood to hospital:

RETENTION: 3 years

5.[464] **Vacant place check record**, including vacant houses and other places to be checked during patrols:

RETENTION: 0 after obsolete

◆6.[467] **Alcoholic beverage establishment sale and use reports**, including checks of New York State Division of Alcoholic Beverage Control (ABC) violations:

RETENTION: 5 years

◆7.[468] **Parolee and sex offender records**

a. Lists of parolees or sex offenders living within a jurisdiction:

RETENTION: 0 after superseded or obsolete

b. Detailed records on individual parolee or sex offender:

RETENTION: 0 after person's parole terminated

NOTE: This does not include records created pursuant to the Sex Offender Registration Act, which are covered by item nos. 830 and 831, immediately below.

◆8.[830] **Subdirectory of High-Risk (Level 3) Sex offenders:**

RETENTION: 0 after superseded

NOTE: The Division of Criminal Justice Services (DCJS) strongly recommends the destruction of superseded information as soon as superseding information is received.

◆9.[831] **Sex offender registration records**, including but not limited to official notification upon registration, change of address information, determination of final risk level, notification of error or change in jurisdiction, notification that offender is no longer registerable, annual address verification, 90-day personal verification (for level 3 offenders), and community notification information

a. For level 1 or 2 offender, when offender remains in local law enforcement agency's jurisdiction:

RETENTION: 0 after death of individual, or 5 years after completion of registration period, whichever is earlier

b. For level 1 or 2 offender, when offender has left local law enforcement agency's jurisdiction:

RETENTION: 0 after death of individual, or 5 years after offender leaves that jurisdiction, whichever is earlier

c. For level 3 offender, when offender remains in local law enforcement agency's jurisdiction:

RETENTION: 0 after death of individual, or individual attains age 100

d. For level 3 offender, when offender has left local law enforcement agency's jurisdiction:

RETENTION: 0 after death of individual, or 5 years after offender leaves that jurisdiction, whichever is earlier

◆10.[470] **Missing person records**

a. Missing person files, covering any records not included in case investigation records:

RETENTION: 10 years, or 0 after individual attains age 90, whichever is longer

b. Validation records, received from and submitted to State Division of Criminal Justice Services (D.C.J.S.):

RETENTION: 6 months

- ◆ 11.[832] **Videotape or other recording of booking or arrest processing**
- a. When litigation and/or criminal proceedings have commenced:
 RETENTION: 3 years, but not until any individual has attained age 21, and not until 1 year after any litigation or criminal proceedings have concluded
 - b. When litigation and/or criminal proceedings have **not** commenced:
 RETENTION: 3 years, but not until any individual has attained age 21
- ◆ 12.[833] **Copy of order of protection, filed with local law enforcement agency having jurisdiction, pursuant to Article 530, Criminal Procedure Law, and related records**
- a. Copy of order of protection:
 RETENTION: 6 months after order expires or otherwise becomes invalid
 - b. List or similar record of orders of protection in effect in local jurisdiction:
 RETENTION: Maintain data on each order as long as that order is valid.
- ◆ 13.[834] **Videotape or other recording taken from mobile unit**
- a. When recording relates to specific case investigation:
 RETENTION: Retain as long as the case investigation to which the recording relates is retained.
 - b. When recording does **not** relate to specific case investigation, such as routine traffic stop:
 RETENTION: 6 months
- NOTE:** Recordings of potentially important incidents may warrant longer retention for legal reasons, even if no case investigation has been initiated. Local law enforcement agencies should carefully review these recordings before destroying or reusing them. In addition, recordings of specific pursuits, arrests and other serious incidents should be appraised for archival or long-term administrative value. Contact the State Archives for additional advice.
- ◆ 14.[473] **Child abuse or maltreatment reports** and related records, reporting law

enforcement agency copy, when **not** included in case investigation record:

RETENTION: 3 years

NOTE: This item covers copies of child abuse and maltreatment reports and related records retained by law enforcement agencies reporting suspected abuse and maltreatment to the State Central Register or to child protective services units of county social services departments. If these records are included in case investigation records, see item no. 460.

**LAW ENFORCEMENT: N.Y.S.P.I.N.
AND RELATED RECORDS**

◆1.[835] **Lists and posters showing "most wanted" persons, and all points bulletins (APBs):**

RETENTION: 0 after superseded or no longer needed

◆2.[836] **N.Y.S.P.I.N. validation records**, including monthly print-out received from New York State Police and related system entry validation records:

RETENTION: 13 months from date report received

◆3.[837] **N.Y.S.P.I.N. system purging records**, including "purge reports" received from New York State Police and records relating to data reentry:

RETENTION: 0 after any necessary data reentry completed

◆4.[838] **N.Y.S.P.I.N. message records**, covering any messages sent or received over N.Y.S.P.I.N. system:

RETENTION: 0 after no longer needed

NOTE: The State Archives and the State Police strongly recommend that local law enforcement agencies consider retaining significant messages as part of case investigation records.

◆5.[839] **Daily "archive" information** retained in electronic format (on removable electronic media) from N.Y.S.P.I.N. system:

RETENTION: 0 after no longer needed

NOTE: The State Archives and the State Police strongly recommend that local law enforcement agencies consider retaining archive data as long as may be needed for convenience of reference.

◆6.[840] **Log of all transactions**, covering all data entry into N.Y.S.P.I.N. system:

RETENTION: 0 after no longer needed

NOTE: The State Archives and the State Police strongly recommend that local law enforcement agencies consider retaining electronic logs as long as may be needed for convenience of reference.

◆7.[841] **Individual person's authorization** to use the N.Y.S.P.I.N. system

a. Records created by local law enforcement agency, including records of individual's training and acknowledgment of test results:
RETENTION: 0 after individual no longer authorized to use the system

b. Listing of authorized individuals, received from State Police:
RETENTION: 0 after no longer needed

◆8.[842] **Miscellaneous paper records created from former version of N.Y.S.P.I.N. system** in use prior to 1996:
RETENTION: 0 after no longer needed

RECREATION

PARKS, RECREATIONAL PROGRAMS AND CIVIC CENTERS

- ◆1.[506] **Participation, attendance, or enrollment records** for park, recreational facility, camp, civic center, or club
- a. Summary record or report:
RETENTION: 6 years
 - b. Records of original entry, including worksheets, used admission tickets and ticket stubs:
RETENTION: 6 years, or 1 year after posting to summary record or report, whichever is shorter
 - c. Statement of disposition of unused tickets, when a fee is charged:
RETENTION: 6 years
- ◆2.[507] **Park, recreational facility, marina, civic center, or club permits**, granted to individual or family, including but not limited to application, affidavit, and copy of stub or license
- a. Permit records, when a fee is charged:
RETENTION: 0 after invalid, but not less than 6 years
 - b. Permit records, when **no** fee is charged:
RETENTION: 0 after invalid, but not less than 1 year
 - c. Lease or rental agreement for marina slip:
RETENTION: 6 years after expiration, termination or denial
 - d. Records of dispensing of fuel or other goods or services at marina:
RETENTION: 6 years
- ◆3.[508] **Parental consent records** allowing child's participation in recreational activities, including authorization for medical treatment:
RETENTION: 6 years, or 3 years after child attains age 18, whichever is longer
- ◆4.[509] **Planning and development records** covering such topics as facility construction, improvement and usage:

RETENTION: 6 years

NOTE: Construction records for recreation facilities are covered by item no. 415 in the Public Property and Equipment section.

NOTE: Appraise these records for historical significance prior to disposition. Final reports and studies, especially for major facilities and significant programs, may have continuing value for historical or other research and should be retained permanently. Contact the State Archives for additional advice.

- ◆5.[510] **Special event file**, including but not limited to official copy of any program or promotional literature, or photographs of events or performances, background materials and supporting documentation:

RETENTION: 6 years

NOTE: Appraise these records for historical significance prior to disposition. Official copies of programs or promotional literature, or photographs of significant events or performances, may have continuing value for historical or other research and should be retained permanently. Contact the State Archives for additional advice.

- ◆6.[511] **Athletic program records**

- a. Lists of athletes or participants, records of competitions, and other records **except** scouting records and scouting and training videotapes:

RETENTION: 6 years

NOTE: Appraise these records for historical significance prior to disposition. Official score and record books, team and action photographs and videotapes of and programs for significant competitions may have historical value in documenting community-based amateur athletics. Records with historical value should be retained permanently.

NOTE: Parental consents are covered by item no. 508, above.

- b. Scouting reports and videotapes used for scouting and training purposes:

RETENTION: 0 after no longer needed

- ◆7.[843] **Field trip records**, including but not limited to trip request data; bus driver, staff and chaperone assignments; list of attendees and trip reports:

RETENTION: 6 years after date of most recent entry

- ◆8.[844] **Bus or other vehicle use file**, covering school bus or other vehicle used for transporting persons involved in recreational activities, including but not limited to copies of contracts, certificates of insurance, driver information, daily logs or other reports, and copies of applicable rules and regulations:
RETENTION: 6 years

- ◆9.[845] **Applications for individual acceptance to camp**, or participation in specific recreational programs and activities
 - a. If applicant is accepted or allowed to participate, and a fee is charged:
RETENTION: 6 years after attendance or participation ends

 - b. If applicant is accepted or allowed to participate, and **no** fee is charged:
RETENTION: 3 years after attendance or participation ends

 - c. If applicant is **not** accepted:
RETENTION: 3 years

**MENTAL RETARDATION AND DEVELOPMENTAL
DISABILITIES (M.R.& D.D.) RECREATIONAL PROGRAMS**

- 1.[512] **Master summary record** of participants in M.R. & D.D. recreation program:
RETENTION: 6 years after last entry

- 2.[513] **Case record of participant in M.R. & D.D. recreational program**, including individual registration, medical evaluation, social development evaluation, intake/screening report and discharge evaluation:
RETENTION: 6 years after participation ends, or 3 years after individual attains age 18, whichever is longer

CAMPS

- ◆1.[846] **Facility information data record** containing basic data on camp facilities:
RETENTION: 6 years after facility no longer exists

- ◆2.[847] **Permits and approvals** to operate camp, covering pool, beach, food service and all related permits, including applications and related materials:
RETENTION: 3 years after approval, denial, withdrawal or expiration

- ◆3.[848] **Reports of camp operation and inspection**, including facility safety, health and food service reports:
RETENTION: 21 years

- ◆4.[849] **Routine reports**, including analysis of pool or beach water samples:
RETENTION: 1 year

- ◆5.[850] **Health records for individual camper:**
RETENTION: 6 years, but not less 3 years after than camper attains age 18

- ◆6.[851] **Log or list of illnesses, accidents, injuries** or other health and safety related incidents
 - a. When information is also contained in individual health records files:
RETENTION: 1 year

 - b. When information is **not** contained in individual health records files:
RETENTION: 6 years, but not less than 3 years after youngest person listed in record attains age 18

- ◆7.[852] **Food management records**
 - a. Program participation agreement, including attachments and amendments:
RETENTION: 6 years after termination of agreement

 - b. Other program records, including but not limited to application to participate as a sponsor, individual child participation application records, requisition and approval of requisition for donated commodities, **and** fiscal records such as adding machine tapes, purchase orders, claims and vouchers:
RETENTION: 6 years

 - c. Free and reduced meal policy statement, with attachments and certificate of acceptance:
RETENTION: 3 years after policy superseded

 - d. Meal counts and dietary services studies:
RETENTION: 3 years

 - e. Menus:
RETENTION: 1 year

- ◆ 8.[853] **Food inspection and investigation records**, including inspection report for preparation or serving area and food sanitation complaint investigation records
 - a. When any significant problem is encountered:
 RETENTION: 21 years
 - b. When **no** significant problem is encountered:
 RETENTION: 3 years

- ◆ 9.[854] **Scholarship records** including but not limited to applications, recommendations, authorization of awards, financial statements, accounting data, list of scholarships awarded campers, and correspondence:
 RETENTION: 6 years

TAXATION AND ASSESSMENT

VALUATION AND ASSESSMENT

- ◆ 1.[525] **Equalization rate records**
 - a. Certificate of final equalization rate, as determined by New York State Office of Real Property Services:
RETENTION: PERMANENT
 - b. Equalization rate determination records **other than** certificate of final rate, including but not limited to notice of tentative rate, data submitted and reports submitted to State Office of Real Property Services:
RETENTION: 3 years

- ◆ 2.[526] **Copy of tax map**, held by local government which **does not** conduct assessments, where official copy is held by county or municipality:
RETENTION: 0 after no longer needed

ASSESSMENT ROLL/TAX ROLL

- 1.[527] **Working papers or other intermediary records** used in preparation of, or in posting changes to, assessment roll or tax roll, including but not limited to assessor's notes, Record of Taxable Status and automated data file:
RETENTION: 3 years after filing of roll

- ◆ 2.[528] **Assessment and tax rolls** (including records relating to correction of errors on assessment and/or tax rolls)
 - a. Tentative assessment roll:
RETENTION: 5 years after filing
 - b. Final assessment roll:
RETENTION: 10 years after filing
 - c. Non-warrant copy of tax roll, when warrant copy is retained permanently:
RETENTION: 1 year after filing

- d. Abstract of tax roll:
RETENTION: PERMANENT

TAX COLLECTION

- ◆ 1.[529] Tax collection records
 - a. Tax collection data file, returned copy of tax bill, copy of receipt issued taxpayer, collector's daily accounts, receiving office tapes, records of overpayment, rebate or refund, record or notice of payment of post-due taxes, report on tax monies collected, request for extension of time to collect taxes, and similar records:
RETENTION: 6 years
 - b. Tax collection history data, containing summary tax collection history information, created from tax collection data file:
RETENTION: 0 after no longer needed

NOTE: Appraise these records for historical significance prior to disposition. This data may be useful for a number of years for convenience of reference, and may possibly have long-term historical value.
 - c. Documentation of regular updates or corrections made to tax collection data file:
RETENTION: 6 years
- ◆ 2.[530] Statement or list of unpaid taxes or taxes due, or other lists, reports or studies relating to tax collection:
RETENTION: 6 years
- ◆ ◆ 3.[531] Tax escrow account records
 - a. Notification of creation, transfer or termination of escrow account:
RETENTION: 1 year after termination of account
 - b. List of tax escrow accounts:
RETENTION: 1 year after superseded or obsolete

MISCELLANEOUS

◆1.[532] Informational listing or index used in relation to taxation and assessment, including but not limited to lists of property owners, real estate transfers, address changes, exempt properties, filed grievances, tax redemptions, notice of bankruptcy or foreclosure proceeding, and billing addresses:
RETENTION: 1 year after superseded or obsolete

2.[533] Records of apportionment of tax monies

a. Annual certificate of apportionment sent to municipality or district:
RETENTION: PERMANENT

b. Apportionment records, except annual certificates:
RETENTION: 6 years

3.[534] Tax search record, including but not limited to record of searches conducted, abstract of search results, correspondence and memoranda:
RETENTION: 6 years

4.[535] Tax levy and tax rate determination records, including computation of constitutional tax margin and statement filed with State Comptroller's Office:
RETENTION: 6 years

◆5.[859] Master summary record of real property transfers within area served by local government:
RETENTION: 0 after no longer needed, but not less than 6 years

NOTE: Appraise these records for historical significance. These records, compiled from real property transfer reports received from the county, may have continuing value for historical or other research. Contact the State Archives for additional advice.

ATTACHMENT II-a¹

SUMMARY OF RECORD RETENTION REQUIREMENTS FOR PATIENT-RELATED RECORDS²

¹ This Attachment provides a summary of the record retention requirements for Patient-Related Records, but is not intended to replace the Schedule. Rather, it should be used in combination with the Schedule (*see* Attachment I of this OP, *supra*). Additionally, once the retention period expires for any Record listed in this summary, said Record must be appraised for archival, historical or other research value prior to disposition. Further, the restrictions, limitations, requirements, procedures, and instructions set forth in this OP including, without limitation, §§ XVI [Records Not Covered By HHC's Record Retention Schedule], XXIII [Preservation of Records and Suspension of Routine Record Destruction Procedures for Litigation and Investigatory Purposes], XXIV [Records Created Before 1910], XXVII [Destruction of Records that Have Met Retention Requirements], XXVIII [Records Disposal Procedure], XXIX [Instructions for Completing the HHC Application and Authorization for Records Disposal (HHC 2845 (05/15)) Form], XXX [Historically Significant/Archival Records], and XXXVI [Applicable Law Prevails], *supra*, must be followed prior to the disposition of any Record found in this summary that has met the period of retention provided therein.

² Civil actions arising under the State False Claims Act may be brought within ten years after the date the violation occurred. In addition, actions arising under the Federal False Claims Act may be brought within six years of the date when the violation occurred or three years from the date when the facts of the violation became known or reasonably should have become known to the United States government; however, in no event can an action under the Federal False Claims Act be brought more than ten years from the date the violation occurred. If it is reasonably anticipated that a claim may be made under either the State False Claims Act or the Federal False Claims Act against the Corporation or any workforce member, Records that are reasonably likely to be relevant may require a retention period beyond that provided in the Schedule (*see* § XVIII in OP, *supra*).

| RECORD | DESCRIPTION | SCHEDULE MI-1 | | RETENTION PERIOD |
|---|---|------------------|-------------------|--|
| | | SECTION/ITEM NO. | PAGE ³ | |
| SCREENING AND ASSESSMENT RECORDS | Along with referrals, for persons evaluated by not treated by facility or program | 4.[360] | 91 | 3 Years |
| ADVICE AND REFERRAL RECORDS (Covering medical, mental health or other information provided to individuals in person or over the telephone, including but not limited to telephone logs and individual call records) | When person involved is or becomes a patient | 5.[754] (a) | 91 | Retain as long as patient case record |
| | When person involved is not or does not become a patient | 5.[754] (b) | 91 | 6 Months |
| PATIENT DATA FILE | Summary and detailed information on patient | 2.[756] | 95 | Maintain as long as patient medical or other case record. |
| PRE-ADMISSION SCREENING RECORD | Long-term care health facility patient | 5.[378] | 95 | When person is not admitted: 0 years after obsolete. When person is admitted, and information is not duplicated in medical case record: retain as long as medical record |

³ Page numbers reference the corresponding pages in Attachment I, the New York City Health and Hospitals Records Retention and Disposal Schedule, *supra*.

| RECORD | DESCRIPTION | SCHEDULE MI-1 | | RETENTION PERIOD |
|------------------------------------|---|------------------|------|--|
| | | SECTION/ITEM NO. | PAGE | |
| MEDICAL CASE RECORD ⁴ | Hospital patient (in-patient and out-patient): excluding film, tracing or other record of original entry when information contained is posted to or summarized in case record. | 6.[379] | 95 | Adult: 6 Years after death or discharge of patient. Minor: 3 Years after individual attains age 18. |
| | Long-term care health facility patient. | 7.[380] | 96 | |
| | Out-patient: including but not limited to diagnostic or treatment center patient; child health, maternity, family planning, lead poisoning, medical rehabilitation, dental health, Indian reservation health, nutrition or tuberculosis clinic patient; health related social services and home health agency patient. Excludes : early intervention program | 8.[381] | 96 | |
| ORIGINAL ENTRY PATIENT CARE RECORD | Separate from case record, including nurses' notes, operating room record, therapy record, nursery and obstetrics record, emergency room treatment record, triage records, and temperature charts. | 9.[382] | 96 | When significant information is posted to medical record: 6 Years; if not, retain as long as medical case record. |
| FILM OR TRACING ⁵ | Including X-ray, EKG tracing, EEG tracing, sonogram, echo cardiogram and holter monitor printout, when report of film or tracing is retained as long as medical record. | 10.[383] | 96 | 6 Years |
| PATIENT CARE CONFERENCE RECORDS | Including worksheets and evaluations, but excluding minutes. | 11.[384] | 97 | When significant information is posted to medical case record: 0 after posting; if not, retain as long as medical case record. |

⁴ Medical Records must at least be retained for six years. In addition, obstetrical Records and Records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 (see § XX, subdivision *b* in OP, *supra*).

⁵ Certain mammograms (covered by this item or by item no. 360 in this Attachment, *supra*) must be retained for 10 years pursuant to 21 CFR 900.12 (c) (4) (i).

| RECORD | DESCRIPTION | SCHEDULE MI-1 | | RETENTION PERIOD |
|--|---|------------------|-------|--|
| | | SECTION/ITEM NO. | PAGE | |
| COMMUNICABLE DISEASE INDIVIDUAL CASE RECORD | Communicable disease case report or equivalent record, including copy of laboratory report | 12.[385] (a) | 97 | 6 Years after discharge or last contact, or 3 years after individual attains the age 18, whichever is longer. |
| | Supplementary reports on communicable diseases | 12.[385] (b) | 97 | 2 Years |
| | Typhoid carrier records | 12.[385] (c) | 97 | 2 Years after death or release of carrier |
| | Syphilis treatment case record | 12.[385] (d) | 97 | 40 Years |
| | Sexually transmitted disease case record, except syphilis | 12.[385] (e) | 97 | 6 Years, or 3 years after individual attains age 18, whichever is longer. |
| MENTAL HEALTH INCIDENT | | 13.[757] | 97 | 20 Years |
| MENTAL HEALTH INDIVIDUAL CASE RECORD | Clinical discharge summary | 14.[386] (a) | 97-98 | 25 Years |
| | Psychiatric test answer sheets | 14.[386] (b) | 97-98 | 6 Years |
| | Case record materials except clinical discharge summary and psychiatric test answer sheets. | 14.[386] (c) | 97-98 | Adult: 10 Years after discharge or last contact with patient. Minor: 3 Years after individual attains age 18 or 10 years after discharge or last contact with patient, whichever is longer. |

| RECORD | DESCRIPTION | SCHEDULE MI-1 | | RETENTION PERIOD |
|--|---|------------------|------|--|
| | | SECTION/ITEM NO. | PAGE | |
| ALCOHOL OR SUBSTANCE ABUSE INDIVIDUAL CASE RECORD | Including clinical discharge summary | 15.[387] | 98 | Adult: 6 Years after discharge or last contact with patient Minor: 3 Years after individual attains age 18. OR, for the period required by contractual arrangements, whichever is longest. |
| LABORATORY TEST DATA FILE | Clinical laboratory tests performed | 2.[759] (a) | 99 | Maintain as long as related laboratory test results. |
| | Forensic or toxicology tests performed | 2.[759] (b) | 99 | 6 Years |
| | Environmental health tests performed | 2.[759] (c) | 99 | Maintain as long as related laboratory tests results. |
| REQUEST FOR LABORATORY TEST | | 3.[389] | 99 | Retain as long as the related test results or 7 Years, whichever is shorter. |
| REFERRAL INFORMATION FOR CYTOGENETIC CASES | | 4.[760] | 99 | 6 Years |
| LABORATORY WORKSHEET, WORKSLIP, HISTORY SLIP, OR SIMILAR RECORD | Environmental health, or toxicology or forensic test | 5.[390] (a) | 99 | Retain as long as related test results. |
| | Clinical laboratory tests | 5.[390] (b) | 100 | 1 Year |
| BLOOD COLLECTION, RELEASE, TRANSFUSION AND RELATED RECORDS | When plasmapheresis, cytapheresis, intraoperative and postoperative blood recovery, isovolemic hemodilution or reinfusion is involved | 11.[396] (a) | 101 | 7 Years after procedure involved |
| | Other blood related records, including autogenic or allogenic transfusions | 11.[396] (b) | 101 | 7 Years, or 6 Months after the expiration date of the individual product, whichever is later. |

| RECORD | DESCRIPTION | SCHEDULE MI-1 | | RETENTION PERIOD |
|--|--|------------------|------|---|
| | | SECTION/ITEM NO. | PAGE | |
| LABORATORY EXAMINATION TEST RESULTS (CLINICAL) | Positive report of syphilis serology | 14.[399] (a) | 102 | 7 Years |
| | Negative report of syphilis serology | 14.[399] (b) | 102 | 2 Years |
| | Tissue pathology (including exfoliate cytology report | 14.[399] (c) | 102 | 20 Years |
| | Cytogenetics report | 14.[399] (d) | 102 | 25 Years |
| | Clinical, except those listed above | 14.[399] (e) | 102 | 7 Years |
| FORENSIC AND TOXICOLOGY TEST RESULTS | | 15.[761] | 102 | 6 Years |
| RADIATION-EXPOSURE RECORD | Records of diagnostic misadministrations | 2.[178] (a) | 103 | 3 Years |
| | Records of therapeutic misadministrations | 2.[178] (b) | 104 | 6 Years |
| | Radiation-exposure data for an individual, including records of radioactive material deposited or retained in body | 2.[178] (c) | 104 | 0 after individuals attains age 90 |
| BIRTH AND DEATH RECORDS | Including copies of birth and death certificates, and related electronic records | 1.[401] | 105 | 0 after no longer needed |
| DENTAL CLINIC RECORDS | Dental hygienist's clinic record | 3.[764] (a) | 105 | 0 after youngest person on record attains age 21 |
| | Dental referral card, notifying clinic of work done by private dentist | 3.[764] (b) | 105 | 2 Years |
| | Individual dental treatment summary record | 3.[764] (c) | 106 | Adult: 6 Years after dental work completed. Minor: 3 Years after individual attains age 18, whichever is longer. |
| MATERNAL AND CHILD HEALTH REPORTS | Clinic service report, including but not limited to school health service report, and report of poisoning case, except lead poisoning | 4.[403] (a) | 106 | 1 Year |
| | Individual newborn infant metabolic defects screening report | 4.[403] (b) | 106 | 0 after individual attains age 21. |

| RECORD | DESCRIPTION | SCHEDULE MI-1 | | RETENTION PERIOD |
|--|--|------------------|------|---|
| | | SECTION/ITEM NO. | PAGE | |
| LEAD POISONING REPORTS AND SCREENING RESULTS | Positive results of screening, when not duplicated in case record | 5.[406] (a) | 106 | Retain as long as case record. |
| | Positive results of screening, when duplicated in case record | 5.[406] (b) | 106 | 0 |
| | Negative results of screening, when posted to summary record | 5.[406] (c) | 106 | 0 after posting |
| | Negative results of screening, when not posted to summary record | 5.[406] (d) | 106 | 0 after individual attains age 21. |
| | Blood level determinations report | 5.[406] (e) | 106 | 10 Years |
| | Summary report of screening program | 5.[406] (f) | 106 | Permanent |
| CANCER STUDY AND CONTROL PROGRAM RECORD | Cancer case report for individual, report for individual, received and used | 6.[765] (a) | 106 | 6 Years, or 3 Years after individual attains age 18, whichever is longer. |
| | Cancer summary record for individual | 6.[765] (b) | 106 | 2 Years after individual dies or attains age 90. |
| INDIVIDUAL IMMUNIZATION RECORD | Including authorization and/or parental consent | 8.[407] | 107 | 6 Years, or 3 Years after individual attains age 18, whichever is longer. |
| RESULTS OF SCREENING PROGRAMS EXCEPT LEAD POISONING | Positive report of individual screened, including statement of consent or participation and authorization for release of information | 10.[409] (c) | 107 | 6 Years, or 3 Years after individual attains age 18, whichever is longer. |
| | Negative report of individual screened, including statement of consent or participation and authorization for release of information | 10.[409] (d) | 107 | 1 Year |
| | Anonymous H.I.V. test results and related records | 10.[409] (f) | 107 | 7 Years |

Subject Index and Cross Reference with the Schedule (Attachment I)

Note: Page numbers of this Attachment are in bold type. Page numbers of the Schedule, Attachment I, are in italics. Item numbers are bracketed, and arranged numerically by their appearance in the Schedule.

- Alcohol and substance abuse
 - patient records, **5** / 98 [387]
- Birth records, **6** / 105 [401]
- Blood collection and testing, **5** / 101 [396], **7** / 106 [406]
- Cancer studies, **7** / 106 [765]
- Certificates and certification
 - vital records, **6** / 105 [401]
- Charts and graphs
 - patient care, **3** / 96 [382]
- Communicable diseases, **4** / 97 [385]
- Cytogenetic referrals, **5** / 99 [760]
- Cytology. *See* Laboratory records
- Data files
 - laboratory tests, **5** / 99 [759]
 - public health patients, **2** / 95 [756]
- Death records, **6** / 105 [401]
- Dental records
 - clinics, **6** / 105-106 [764]
 - outpatients, **2** / 96 [381]
- Echocardiograms, **3** / 96 [383]
- EKG and EEG tracings, **3** / 96 [383]
- Emergency rooms, original entry records, **3** / 96 [382]
- Fetal death, **6** / 105 [401]
- Films, medical records, **3** / 96 [383]
- Forensics
 - data file, **5** / 99 [759b]
 - laboratory tests, **5** / 99 [390a], **6** / 102 [761]
- Health records
 - Indian reservations, **3** / 96 [381]
- HIV screening, **7** / 107 [409f]
- Holter monitors, **3** / 96 [383]
- Immunization, **7** / 107 [407]
- Laboratory records, **5** / 99 [759, 389]
 - blood collection and use, **5** / 101 [396]
 - general, **5** / 99 [759, 389, 760, 390]
 - lead poisoning, **7** / 106 [406]
 - referrals, **5** / 99 [760]
 - test results, **6** / 102 [399, 761]
 - worksheets, **5** / 99-100 [390]
- Lead poisoning, **7** / 106 [406]
- Long-term care
 - medical records, **3** / 96 [380]
 - screening records, **2** / 95 [378]
- Mammograms, **3** / 96 [383]. *See also* Medical screening
- Maternal and child health, **6** / 106 [403]
- Medical records
 - films, **3** / 96 [383]
 - hospital patients, **3** / 95 [379]
 - out-patients, **3** / 96 [381]
- Medical screening, **7** / 106 [406], 107 [409]
- Mental health, **4** / 97 [757], 97-98 [386]. *See also* Public health
- Nursing
 - original entry records, **3** / 96 [382]
- Operating rooms, original entry records, **3** / 96 [382]

Outpatients, medical records, **3 / 96** [381]

Parental consent

immunizations, **7 / 107** [407]

Patient care. *See also* Medical records; Public health

case records, **3 / 95** [379], **96** [380, 381, 382], **4 / 97** [385]

conferences, **3 / 97** [384]

films, **3 / 96** [383]

general, **2 / 95** [756]

mental health, **4 / 97** [757], **97-98** [386]

original entry records, **3 / 96** [382]

screening, **2 / 95** [378]

Poisoning, **6 / 106** [403], **7 / 106** [406]

Public health. *See also* Laboratory records; Medical records

general, **2 / 91** [754]

Psychiatric testing, **4 / 98** [386b]

Radiation-exposure, **6 / 103-04** [178]

Referrals

cytogenetic laboratory tests, **5 / 99** [760]

public health facilities, **2 / 91** [754]

Results of Screening Programs Except Lead Poisoning

anonymous H.I.V. test results, **7 / 107** [409f]

negative report, **7 / 107** [409d]

positive report, **7 / 107** [409c]

Requests

laboratory tests, **5 / 99** [389]

Screening. *See also* Patient care

long-term care facilities, **2 / 95** [378]

public health facilities, **2 / 91** [360]

Sexually transmitted disease, **4 / 97** [385d]

Sonograms, **3 / 96** [383]

Syphilis

laboratory reports, **6 / 102** [399a-b]

treatment, **4 / 97** [385d]

Telephone logs

public health facilities, **2 / 91** [754]

Temperature charts, original entry records, **3 / 96** [382]

Toxicology

data file, **5 / 99** [759b]

laboratory tests, **5 / 99** [390a]

test results, **6 / 102** [761]

Triage, original entry records, **3 / 96** [382]

Typhoid carriers, **4 / 97** [385]

Vital records, **6 / 105** [401]

X-ray films, **3 / 96** [383]

ATTACHMENT II-b¹

SUMMARY OF RECORD RETENTION REQUIREMENTS FOR MATERIALS AND RECORDS RELATED TO RESEARCH²

¹ Although this Attachment provides a summary of the record retention requirements for Materials and Records Related to Research, it is not intended to replace the Schedule. Rather, it should be used in combination with the Schedule (*see* Attachment I of this OP, *supra*). Additionally, once the retention period expires for any Record listed herein, said Record must be appraised for archival, historical or other research value prior to disposition. Further, the restrictions, limitations, requirements, procedures, and instructions set forth in this OP including, without limitation, §§ XVI [Records Not Covered By HHC's Record Retention Schedule], XXIII [Preservation of Records and Suspension of Routine Record Destruction Procedures for Litigation and Investigatory Purposes], XXIV [Records Created Before 1910], XXVII [Destruction of Records that Have Met Retention Requirements], XXVIII [Records Disposal Procedure], XXIX [Instructions for Completing the HHC Application and Authorization for Records Disposal (HHC 2845 (05/15)) Form], XXX [Historically Significant/Archival Records], and XXXVI [Applicable Law Prevails], *supra*, must be followed prior to the disposition of any Record found in this summary that has met the required period of retention. For those Records found under this summary that are not found under the Schedule (or reasonably related to a Record found in the Schedule) or this OP, this summary shall control the disposition of such Records (*see* § XX, subdivision *d*, *supra*, of this OP).

² This Attachment summarizes the retention periods for Materials and Records Related to Research. Certain Materials and Records Related to Research may be considered patient records (*see* Attachment II-a, *supra*), and therefore are required to be maintained for at least the same period of retention assigned to patient records outlined in the Schedule, Attachment II-a, and § XXIII. Additionally, Materials and Records Related to Research may also be subject to the State and Federal False Claims Act. It is important to note that civil actions arising under the State False Claims Act may be brought within ten years after the date the violation occurred. In addition, actions under the Federal False Claims Act may be brought within six years of the date when the violation occurred or three years from the date when the facts of the violation became known or reasonably should have become known to the United States government; however, in no event can an action under the Federal False Claims Act be brought more than ten years from the date the violation occurred. If it is reasonably anticipated that a claim may be made under either the State False Claims Act or the Federal False Claims Act against the Corporation or any workforce member, Records that are reasonably likely to be relevant may require a retention period beyond that provided in the Schedule or Attachments II-a & II-b (*see* § XVIII in the OP, *supra*).

| RECORD | DESCRIPTION | RETENTION PERIOD |
|---|--|--|
| <p align="center">RECORDS RELATING TO RESEARCH</p> | <p>Grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; research protocols; consent forms; medical charts; and Human Subject files.³</p> | <p>7 Years after completion of the research; or 1 year after either the youngest human subject attains age 21 or the date of the last disclosure of identifiable health information from Research Records, if disclosures continue after all subjects have completed the Study, whichever is longer. All records must be accessible for inspection and copying at reasonable times and in a reasonable manner.⁴</p> |
| <p align="center">RECORDS OF RESEARCH MISCONDUCT PROCEEDINGS⁵</p> | <p>Records relevant to the proceeding, excluding duplicate records.⁶</p> <p>Documentation of the determination of irrelevant or duplicate records.</p> <p>The inquiry report and final documents (not drafts) produced in the course of preparing that report, including the documentation of any decision not to investigate.</p> <p>The investigation report and all records (other than drafts of the report) in support of that report, including the recordings or transcriptions of each interview conducted.</p> <p>The complete record of any institutional appeal.</p> | <p>Unless custody has been transferred to HHS or Office of Research Integrity has advised the institution in writing that it no longer needs to retain the records, these records must be retained for 7 Years after completion of the proceeding or the completion of any Public Health Service proceeding involving the research misconduct allegation.⁷</p> |

³ HHC Operating Procedure 180-9: HHC Human Subject Research Protections Program Policies and Procedures § 26.1 (hereinafter “HHC Research OP 180-9”); *see also* 42 CFR 93.224; *see generally* U.S. Department of Health and Human Services Office for Human Research Protections, Guidance on Written IRB Procedures, available at <http://www.hhs.gov/ohrp/policy/irbgd107.html>.

⁴ Arts and Cultural Affairs Law § 57.25; 8 NYCRR 185.5; Appendix K at 132; 8 NYCRR 29.2; *see also* 45 CFR 164.528 (accounting for disclosures of identifiable health information made in the context of research); HHC Research OP 180-9 § 26.3.6.

⁵ 42 CFR 93.103 (defining research misconduct proceeding); *see also* 42 CFR 93.223; U.S. Food and Drug Administration, FDA Records Related to Research Misconduct Proceedings, available at <http://www.fda.gov/regulatoryinformation/foi/privacyact/ucm323341.htm>.

⁶ 42 CFR 93.317 (a) (1)-(5).

⁷ 42 CFR 93.317 (b); HHC Research OP 180-9 § 21.3.3 (g).

| RECORD | DESCRIPTION | RETENTION PERIOD |
|---|---|---|
| INSTITUTIONAL REVIEW BOARD (“IRB”) RECORDS⁸ | Copies of all research proposals reviewed, scientific evaluations, if any, that accompany the proposals, approved sample consent documents, progress reports submitted by investigators, and reports of injuries to subjects. | 3 Years after completion of the research. All records must be accessible for inspection and copying at reasonable times and in a reasonable manner. ⁹ |
| | Minutes of IRB meetings indicating attendance at meetings, actions taken by the IRB, the vote on these actions including the number of members voting for, against, and abstaining, the basis for requiring changes in or disapproving research, and a written summary of the discussion of controverted issues and their resolution. | |
| | Records of continuing review activities. | |
| | Copies of all correspondence between the IRB and the investigators. | |
| | A list of IRB members. | |
| | Written procedures for the IRB. | |
| | Statements of significant new findings provided to subjects. | |
| INVESTIGATIONAL NEW DRUG APPLICATION | Records of the disposition of the drug, including dates, quantity, and use by subjects. ¹⁰ | 2 years following the date a marketing application is approved for the drug for the indication for which it is being investigated; or, if no application is to be filed or if the application is not approved for such indication, until 2 years after the investigation is discontinued and FDA is notified. ¹¹ |
| | Case histories which include the case report forms and supporting data (signed and dated consent forms and medical records such as progress notes of the physician, the individual’s hospital chart(s), and the nurses’ notes). ¹² | |

⁸ 45 CFR 46.115 (a); *see generally* OHRP Guidance on Written IRB Procedures.

⁹ 45 CFR 46.115 (b); OHRP Guidance on Written IRB Procedures § B (5); National Institutes of Health, FAQs Clinical Record Retention at 1, available at <http://www.niaid.nih.gov/labsandresources/resources/daidclinrsrch/documents/recordretentionfaq.pdf>; U.S. Food and Drug Administration, Guidance for Industry E6 Good Clinical Practice: Consolidated Guidance § 3.4 at 13, available at <http://www.fda.gov/downloads/Drugs/Guidances/ucm073122.pdf>.

¹⁰ 21 CFR 312.62 (a) (“If the investigation is terminated, suspended, discontinued, or completed, the investigator shall return the unused supplies of the drug to the sponsor, or otherwise provide for disposition of the unused supplies of the drug [that does not expose humans to risks from the drug.]” along with maintaining written records of any disposition of the drug); 21 CFR 312.59.

¹¹ 21 CFR 312.62 (c); NIH FAQs Clinical Record Retention at 2.

¹² 21 CFR 312.62 (b).

| RECORD | DESCRIPTION | RETENTION PERIOD |
|---|---|---|
| FINANCIAL RECORDS OF INVESTIGATORS | <p>Pertaining to the financial interests of clinical investigators who conducted studies on which a marketing application regulated by the FDA relies:¹³</p> <ul style="list-style-type: none"> • Complete records showing any financial interest or arrangement paid to clinical investigators by the sponsor of the covered study. • Complete records showing significant payments made by the sponsor of the covered clinical study to the clinical investigator. • Complete records showing any financial interests held by clinical investigators. | <p>2 Years after the date of approval of the application.¹⁴</p> |
| | <p>In connection with proposed or awarded Public Health Service research funding <i>through grant or cooperative agreement</i>.¹⁵</p> <p>Records relating to all investigator disclosures of financial interests and HHC’s review of, and response to, such disclosures (whether or not a disclosure resulted in HHC’s determination of a financial conflict of interest), and all actions under HHC’s policy or retrospective review.¹⁶</p> | <p>The later of 3 Years from the date of final payment or, where applicable, for the time periods set forth for circumstances described in 45 CFR 74.53 (b) and 92.42 (b).¹⁷</p> |
| | <p>In connection with proposed or awarded Public Health Service research funding <i>through contract</i>.¹⁸</p> <p>Records relating to all investigator disclosures of financial interests and HHC’s review of, and response to, such disclosures (whether or not a disclosure resulted in HHC’s determination of a financial conflict of interest), and all actions under HHC’s policy or retrospective review.¹⁹</p> | <p>The later of 3 Years from the date of final payment or, where applicable, for the time periods set forth for circumstances described in 48 CFR part 4, subpart 4.7.²⁰</p> |

¹³ 21 CFR 54.6 (a) (1)-(3).

¹⁴ *Id.* at 54.6 (b).

¹⁵ 42 CFR 50.602.

¹⁶ *Id.* at 50.604 (i).

¹⁷ *Id.*; HHC Research OP 180-9 § 9.3.6.

¹⁸ 45 CFR 94.1.

¹⁹ *Id.* at 94.4 (i).

²⁰ *Id.*; HHC Research OP 180-9 § 9.3.6.

| RECORD | DESCRIPTION | RETENTION PERIOD |
|--|--|--|
| <p align="center">FEDERAL AWARD RECIPIENT RECORDS</p> | <p>Financial records, supporting documents, statistical records, and all other records pertinent to an award.²¹</p> | <p>10 Years from the date of submission of the final expenditure report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by the Federal awarding agency.²²</p> |
| <p align="center">INVESTIGATOR RECORDS FOR SIGNIFICANT RISK DEVICE STUDIES²³</p> | <p>All correspondence including required reports.</p> <p>Records of receipt, use, or disposition of the investigational device (type and quality of device; date of receipt; batch number or code; name of person that received, used or disposed of each device; why and how many units of the device have been returned to the sponsor, repaired, or otherwise disposed of).</p> <p>Records of each subject’s case history and exposure to the device which must include: signed and dated consent forms; condition of each subject upon entering the study; relevant previous medical history; record of the exposure to the investigational device, including the date and time of each use and any other therapy; observations of adverse device effects; medical records (physician and nurse progress notes, hospital charts, etc.); results of all diagnostic tests; case report forms; any other supporting data.</p> <p>The protocol and documentation (date and reason) for each deviation from the protocol.</p> | <p>2 Years after the date the investigation is completed or terminated or the records are no longer required to support a premarket approval (“PMA”) or product development protocol (“PDP”), whichever date is later.²⁴</p> |

²¹ 2 CFR 215.53 (b).

²² 31 USC § 3731 (b) (2).

²³ 21 CFR 812.140 (a); U.S. Food and Drug Administration, IDE Definitions and Acronyms, Significant risk device, available at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/InvestigationalDeviceExemptionIDE/ucm046698.htm> (defining significant risk device); U.S. Food and Drug Administration, IDE Records, Investigator Records for Significant Risk Device Studies, available at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/InvestigationalDeviceExemptionIDE/ucm046722.htm>.

²⁴ 21 CFR 812.140 (d); U.S. Food and Drug Administration, IDE Records, Maintenance of Records, available at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/InvestigationalDeviceExemptionIDE/ucm046722.htm>.

| RECORD | DESCRIPTION | RETENTION PERIOD |
|---|--|---|
| INVESTIGATOR RECORDS FOR NONSIGNIFICANT RISK DEVICE STUDIES²⁵ | <p>Each subject's case history and exposure to the device including case report forms and supporting data such as signed and dated consent forms and medical records (progress notes of the physician, the individual's hospital chart(s), and the nurses' notes).</p> <p>If no informed consent is obtained, a licensed physician must write a concurrence and a brief description of the circumstances justifying the failure to obtain informed consent.</p> | 2 Years after the date the investigation is completed or terminated or the records are no longer required to support a PMA or PDP, whichever date is later. ²⁶ |
| SPONSOR RECORDS FOR SIGNIFICANT RISK DEVICE STUDIES²⁷ | <p>All correspondence including required reports.</p> <p>Records of shipment of the device (name and address of the consignee; and type and quality of the device, date of shipment, and batch number or code).</p> <p>Records of disposition of the device (batch number or code of any devices returned to the sponsor, repaired, or disposed of in other ways; and reasons for and the method of disposal).</p> <p>Signed investigator agreements including financial disclosure information</p> <p>Records concerning complaints and adverse device effects whether anticipated or not</p> | 2 Years after the date the investigation is completed or terminated or the records are no longer required to support a PMA or PDP, whichever date is later. ²⁸ |
| SPONSOR RECORDS FOR NONSIGNIFICANT RISK DEVICE STUDIES²⁹ | <p>The name and intended use of the device</p> <p>The objectives of the investigation</p> <p>A brief explanation of why the device is not a significant risk device</p> <p>The name and address of each investigator</p> <p>The name and address of each IRB</p> <p>A statement of the extent to which the good manufacturing practices³¹ will be followed in manufacturing the device</p> | 2 Years after the date the investigation is completed or terminated or the records are no longer required to support a PMA or PDP, whichever date is later. ³⁰ |

²⁵ U.S. Food and Drug Administration, IDE Records, Investigator Records for Nonsignificant Risk Device Studies, available at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/InvestigationalDeviceExemptionIDE/ucm046722.htm>.

²⁶ 21 CFR 812.140 (d); FDA, IDE Records, Maintenance of Records.

²⁷ 21 CFR 812.140 (b); U.S. Food and Drug Administration, IDE Records, Sponsor Records for Significant Risk Device Studies, available at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/InvestigationalDeviceExemptionIDE/ucm046722.htm>.

²⁸ 21 CFR 812.140 (d); FDA, IDE Records, Maintenance of Records.

²⁹ 21 CFR 812.140 (b) (4)-(5); U.S. Food and Drug Administration, IDE Records, Sponsor Records for Nonsignificant Risk Device Studies, available at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/InvestigationalDeviceExemptionIDE/ucm046722.htm>.

³⁰ 21 CFR 812.140 (d); FDA, IDE Records, Maintenance of Records.

³¹ 21 CFR 820.

| RECORD | DESCRIPTION | RETENTION PERIOD |
|--|---|--|
| QUALITY ASSURANCE RECORDS | Documenting the steps that were taken to assess the data integrity of clinical research records. | Do not need to be retained as part of the clinical research records. ³² |
| DOCUMENTATION RECORDS, RAW DATA AND SPECIMENS | Any material derived from a test system for examination or analysis pertaining to a nonclinical laboratory study. Additionally, any laboratory worksheets, records, memoranda, notes, or exact copies thereof, that are the result of original observations and activities of a nonclinical laboratory student and are necessary for the reconstruction and evaluation of the report. ³³ | Whichever is shortest: (1) a period of at least 2 Years following the date on which an application for a research or marketing permit, in support of which the results of the nonclinical laboratory study were submitted; (2) at least 5 Years following the date on which the results of the nonclinical laboratory study are submitted in support of an application of a research or marketing permit; or (3) when the study does not result in submission in support of an application for a research or marketing permit, at least 2 Years following the date on which the study is completed, terminated, or discontinued. ³⁴ |

³² NIH FAQs Clinical Record Retention at 3.

³³ 21 CFR 58.10 (j) (defining specimen); 21 CFR 58.10 (k) (defining raw data).

³⁴ 21 CFR 58.195 (b); U.S. Food and Drug Administration, Inspections, Compliance, Enforcement, and Criminal Investigations, Record retention period, available at <http://www.fda.gov/iceci/enforcementactions/bioresearchmonitoring/ucm135232.htm>.

| RECORD | DESCRIPTION | RETENTION PERIOD |
|---|-------------|---|
| <p>SAMPLES OF TEST AND REFERENCE ITEMS AND SPECIMENS</p> | | <p>Retained in accordance with accepted practice of investigator's own academic specialty or particular research community, or consistent with the terms of a sponsored research agreement, whichever is longer.³⁵</p> |

³⁵ See e.g. Organisation for Economic Co-operation and Development, Principles on Good Laboratory Practice § 10.1 at 30, available at [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=env/mc/chem\(98\)17&doclanguage=en](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=env/mc/chem(98)17&doclanguage=en).

ATTACHMENT III

**APPLICATION AND AUTHORIZATION
FOR RECORDS DISPOSAL**

| | | |
|---|-------------------|--|
| <u>APPLICATION REVIEWED BY</u> | | |
| Facility RMO (Corporate RMO for Central Office Requests): | | |
| Name | Title | Phone |
| Signature _____ | | Date ___/___/___ |
| <u>APPLICATION APPROVED BY</u> | | |
| <p>Permission is requested to perform the disposal/destruction of the records identified on the front of this form. None of these records have any significant historical, legal, fiscal, research, or educational value. We understand that it is the responsibility of the requisitioning facility or Central Office unit to ensure that records necessary for audit, litigation, investigatory, or contractual purposes are not destroyed.</p> | | |
| Executive Director or Senior Vice President: | | |
| Name | Title | Phone |
| Signature _____ | | Date ___/___/___ |
| <u>ACCEPTABILITY AS TO LEGAL FORM</u> | | |
| Any records eligible for disposal that must be held for litigation, condition order or settlement of litigation, have been identified and have been deleted from this request. | | |
| Senior Vice President & General Counsel (or designee): | | |
| Name | Title | Phone |
| Signature _____ | | Date ___/___/___ |
| <u>DISPOSAL AUTHORIZED BY</u> | | |
| Corporate RMO: | | |
| Name | Title | Phone |
| Signature _____ | | Date ___/___/___ |
| <u>REMARKS & ATTACHMENTS</u> (if any) | | |
| Remarks: <input type="checkbox"/> Attachment(s) (if "YES", please check the box and describe the nature of the attachment(s)): | | |
| <u>DESTRUCTION CERTIFIED BY</u> | | |
| Witness Name & Title | Witness Signature | Date Signed _____/____/____ |
| Method of Destruction | | Date of Destruction _____/____/____ |

ATTACHMENT IV

Appraisal of Local Government Records for Historical Value

Publication #50
Local Government Records Technical Information Series
by Prudence K. Backman
1996

The University of the State of New York
The State Education Department
State Archives and Records Administration
Local Government Records Services
Albany, New York 12230

THE UNIVERSITY OF THE STATE OF NEW YORK

Regents of The University

| | |
|--|---------------|
| CARL T. HAYDEN, Chancellor, A.B.,J.D..... | Elmira |
| LOUISE P. MATTEONI, Vice Chancellor, B.A., M.A., Ph.D..... | Bayside |
| JORGE L. BATISTA, B.A.,J.D..... | Bronx |
| EDWARD MEYER, B.A., LL.B..... | Chappaqua |
| CARLOS CARBALLADA, Chancellor Emeritus, B.S..... | Rochester |
| NORMA GLUCK, B.A., M.S.W..... | New York |
| ADELAIDE L. SANFORD, B.A., M.A., P.D..... | Hollis |
| WALTER COOPER, B.A., Ph.D..... | Rochester |
| DIANE O'NEILL MCGIVERN, B.S.N., M.A., Ph.D..... | Staten Island |
| SAUL B. COHEN, B.A., M.A., Ph.D..... | New Rochelle |
| JAMES C. DAWSON, A.A., B.A., M.S., Ph.D..... | Peru |
| ROBERT M. BENNETI, B.A., M.S..... | Tonawanda |
| ROBERT M. JOHNSON, B.S.,J.D..... | Lloyd Harbor |
| PETER M. PRYOR, B.A., LL.B.,J.D., LL.D..... | Albany |
| ANTHONY S. BOTTAR, B.A.,J.D..... | Syracuse |
| MERRYL H. TISCH, B.A., M.A..... | New York |

President of The University and Commissioner of Education

RICHARD P. MILLS

Executive Deputy Commissioner of Education

THOMAS E. SHELDON

Deputy Commissioner for Cultural Education

CAROLE F. HUXLEY

Director, External Programs

BRUCE W. DEARSTYNE

Chief, Local Government Records Services

ROBERT W. ARNOLD III

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender or sexual orientation in its educational programs, services and activities. Portions of this publication can be made available in a variety of formats, including braille, large print or audio tape, upon request. Inquiries concerning this policy of nondiscrimination should be directed to the Department's Office for Diversity, Ethics, and Access, Room 152, Education Building, Albany, NY 12234. Requests for additional copies of this publication may be made by contacting the Publications Sales Desk, Room 309, Education Building, Albany, NY 12234.

Contents

| | |
|---|----|
| Introduction..... | 4 |
| What Are Archival Records? | 4 |
| What Makes a Government Record Historically Important? | 6 |
| Conducting the Appraisal | 7 |
| Managing Archival Records | 9 |
| For More Information and Assistance | 9 |
| Appendix A..... | 11 |
| Appraisal Scorecard | 12 |
| Summary of Important Time Periods | 14 |
| Office Analysis | 16 |
| Appendix B..... | 18 |
| Appraisal Checklist: Four-Step Process Using the Appraisal Scorecard..... | 18 |
| Appendix C..... | 27 |
| Using the Appraisal Checklist | 27 |
| Case1: Journals | 28 |
| Case 2: Subject and correspondence files..... | 32 |
| Using the Background Information Charts..... | 36 |

Acknowledgment

The author would like to extend her thanks to David Carmichael, Westchester County Archivist, who developed the original appraisal workshop and charts upon which much of this publication is based.

Introduction

Appraisal is the process used to assess records and to select those to keep permanently. No simple, easy, foolproof rules exist for the appraisal and selection of records. It requires informed analysis and evaluation of potential records and their significance to the local government and the community it serves. The State Archives and Records Administration's Records Retention and Disposition Schedules (RRDS) begin the analysis by identifying which records to keep permanently for administrative, legal, or fiscal reasons. The schedules also attempt to identify records series that have statewide historical value. But retention periods do not always reflect the historical importance or value of the records to the local government or community. New York's local governments, and the records they create, are so diverse that SARA's schedules cannot determine local historical value for every record series. Appraising records for historical value is an activity local governments will want to undertake themselves. This publication is intended to help local government officials continue the appraisal process by providing information on how to identify records that have historical importance to their communities.

A local government record is historically significant if it provides important evidence of how the government goes about its business (how it functions and does its work), and/or if the record provides significant information about people, places, or events in the community. Since each community has its own unique history, the historical importance or value of record series may vary for each local government. Local governments themselves will want to undertake an appraisal of some records to determine historical significance.

This publication gives local officials a general understanding of how to identify, evaluate, and select records that have ongoing historical value.

It contains the following:

- A discussion of the process of appraising records for historical value
- Three charts - *Appraisal Scorecard*, *Summary of Important Time Periods*, and *Office Analysis* (Appendix A) - to help local governments with the appraisal process and gathering of background information
- An *Appraisal Checklist* (Appendix B) provides a narrative explanation of the step-by-step process and how to complete the *Appraisal Scorecard*
- Case studies (Appendix C) using two record series, **Journals** and **Subject and correspondence files**, to show how to conduct an appraisal using the Scorecard as well as how to complete the background information charts

What Are Archival Records?

Archival records are worthy of preservation and special care because of the continuing importance of the information they contain for legal, fiscal, administrative, or historical purposes.

Records, regardless of format, are information that local officials create or receive while conducting a government's business. Archival records are records that governments must keep permanently to meet fiscal, legal, or administrative needs of the government (primary value) or that the government retains because they contain historically significant information (secondary value).

In the normal course of business, a government creates a record for a specific purpose -to carry out a specific function. Records are created to meet:

- *Legal needs.* The records explain the government's responsibilities, protect the government's rights, or protect the rights of the citizens it serves. Examples include city charters, wills, and minutes of the chief governing body.
- *Fiscal needs.* The records establish fiscal responsibility, demonstrate accountability, and track the flow of revenue. Examples include budgets, general ledgers, and assessment rolls.
- *Administrative needs.* The records support ongoing, day-to-day, administrative affairs of the government. Examples include personnel files, policies, procedures, and student attendance records.

Once the record fulfills the purpose for which it was created, the importance of the record (its **primary value**) ends. For some records the primary value may be as little as six months; for others it never ceases.

Since records are created for specific reasons, they are normally useful only as long as they are needed for those reasons. SARA's Records Retention and Disposition Schedules specify the minimum legal length of time a government must keep records to satisfy the reason they were created -to meet the government's administrative, legal, or fiscal needs. As such, the schedules indicate when to discard the records. For example, internal statistical reports, created for administrative purposes, need only be kept for six years, and then they may be destroyed. Records with ongoing primary value have a "permanent" designation. The schedules generally address the primary value of a record, noting when the administrative, legal, or fiscal value has expired.

Because retention periods primarily address the fiscal, legal, and administrative values of records, they usually do not reflect the local historical importance or value of the record series. Where SARA has identified records as historically significant for all local governments, it has given them a permanent designation on the schedules. Other records that might have historical significance in some, but not all, localities are noted on the schedules by historical notes. However, SARA cannot identify all record series with historical significance for individual local governments. The people, places, or events in each community, and the unique circumstances of each government, determine which records are historically significant. Local officials must make the final decision, based on their own analysis and appraisal.

While a government creates records for specific legal, fiscal, or administrative reasons, it may, in the process, produce records with historical value. Such records are said to have a **secondary value**; they document things of interest to other people or organizations by providing

information about subjects, events, or people in the community. Records with historical value do not necessarily have permanent retention periods on the record schedules.

Examples of records that are not permanent on the schedules, yet may have historical value, include:

- Audio or videotapes of public hearings and meetings (retention: 4 months after transcription) can record discussions of significant matters, such as public debates over the development of a municipal airport in a wetlands area.
- Medical case records of hospital patients (retention: 10 years after death or discharge) can be used to research the spread of communicable diseases such as AIDS and tuberculosis.
- Student attendance registers (retention: 6 years) can be used to document dates of birth and Social Security benefits when vital statistic records are not available.
- School census records (retention: 6 years) provide valuable information on the number of students, their ages and ethnicity, teacher salaries, and the number of books in the classroom.

The Records Management Officer may wish to take a second look at all records, whether permanent or nonpermanent, to decide if they are historically important. Governments should assess records with nonpermanent retention periods for potential research or historical value before destroying them. Local governments can also use the appraisal process as a planning tool. Records with historical significance can be given a higher priority when arranging and describing records, when ordering archival storage materials, or when housing in better environmental conditions.

What Makes a Government Record Historically Important?

A local government record is historically important if it:

- Provides significant evidence of how the government goes about its business (how it functions and does its work) or
- Provides significant information about people, places, or events with which the government is involved

Government records contain important information about the people, places, and events within their jurisdiction:

- Information **about people** - their economic conditions, their values and concerns
- Information **about places** within the local government's borders the buildings, infrastructure, and land use of the area
- Information **about events in the area** - from national events (such as the impact of the Civil War or the Great Depression) to significant localized events (such as the closing of a military base, the displacement of people due to the construction of a reservoir, or the development of a thruway system)

The historical importance of records is shown every time a class studies the impact of the construction, of a reservoir, dam, or thruway on their town; local governments receive federal funds to renovate their historic buildings, sewers, and subways; citizens successfully conduct historic house research; or local entrepreneurs undertake land use studies for a proposed development.

The information in the records about people, places, and events is only important, however, if the information itself is *significant*. Significance depends on:

- When the records were created
- What kind of information the records contain
- Who created the records
- What other records exist (in the municipality and elsewhere in the state or country)
- The unique history of the local government or community

The historical importance of records will vary from local government to local government and from region to region. The people, places, or events in each community, and the unique circumstances of each government, determine which records are historically significant.

Local officials should consult with others when determining which records are historically significant to ensure that all perspectives are addressed. Records Management Officers are encouraged to seek advice from:

- The county or municipal historian
- People familiar with the government and community -longtime employees, former officials, etc.
- The government's records advisory committee
- SARA's Regional Advisory Officer

Conducting the Appraisal

Records are appraised as series, not as individual documents. A record series is a group of records that result from the same activity. The records in each series are managed together, filed together, indexed together, and disposed of together. Examples of series include **minutes**, **building permits**, **purchase orders**, and **general ledgers**. Since record series are kept and managed together, they can also be appraised together. Occasionally a few items within a series are worth keeping while the rest can be destroyed. However, in most cases, the records are appraised as a whole series.

Appraising record series to decide if they have significant historical information involves:

- Asking certain questions about the records, and then
- Deciding to keep or dispose of the records *based* on the answers

Appraisal questions fall into four general groups:

- 1. When were the records created?**
 - A. Are the records from an important period?
 - B. Are the records scarce?
 - C. Are the records old?
 - D. Do the records cover a long or short time period?

- 2. Why were the records created?**
 - A. Which office created the records?
 - B. What are the principal functions of that office?
 - C. Do the records document the principal functions of the office?

- 3. What is in the records?**
 - A. Do the records cover important activities?
 - B. Are the records an important source of information on the topic?

- 4. Who created the records?**
 - A. Do the records reflect a routine or an individual point of view?
 - B. What was the official position of the person who created the records?
 - C. Was the records creator personally involved in the events recorded?
 - D. Did the creator have the necessary expertise to understand the events recorded?
 - E. Does the creator exhibit a bias?

This checklist provides a framework for making informed decisions about which record series might have historical importance. SARA has gathered these questions into a chart, *Appraisal Scorecard* (Appendix A). By answering the questions on the *Appraisal Scorecard*, local governments can evaluate the historical significance of their records consistently from series to series. A narrative explanation of the *Scorecard* is presented in Appendix B (*Appraisal Checklist*) in a step-by-step narrative; two case studies (Appendix C) demonstrate the process.

SARA also has developed a number of background charts for use during the appraisal process. These charts, *Summary of Important Time Periods* and *Office Analysis* (Appendix A), provide information needed to answer the appraisal questions. The charts are discussed and demonstrated in the case studies (Appendix C).

Archival records can be identified anytime during the life cycle of the records. As a local government develops a strong records management program, the time of archival records identification will move from the initial inventory phase to the creation or active use phase. By identifying archival records' early in their life cycle, records managers can take appropriate steps to ensure their completeness and proper care. This is particularly critical with electronically created information, for which identification of archival records should be undertaken as records are created.

Managing Archival Records

Identifying archival records -both records with historical importance and permanent records with ongoing primary value -is an important first step toward managing them. Appraisal becomes not only a means of identifying archival records but also a planning tool so that local governments can appropriately budget staff time and resources. Governments might give archival records with historical significance preference when considering space allocation; when setting priorities relating to rehousing, conservation, or descriptive work; when ensuring the migration of archival electronic records; or when preparing for or recovering from disasters.

Archival records can provide critical information for local government officials to help them in making decisions and accomplishing ongoing operations. Archival records document policies, decisions, and ways of conducting government business; they can be used to reconstruct the past and plan for the future. They also contain valuable information that help citizens address contemporary issues and solve current problems. They serve as the "community memory" for local citizens, teachers, students, community groups, and researchers. It is an important part of the overall records management program and information service function of a local government to ensure that its archival records are used in ways that benefit the local government, the taxpayers, and the community. Identifying which records are archival is an important first step in managing them.

Once archival records are identified, governments must make an effort to plan for their future. The usefulness of archival records depends on the government's ability to retain them, extract the information they contain, and make that information available to researchers. Care of archival records is usually handled as part of the local government's records management program and incorporates the following core activities:

- Identifying archival records
- Providing storage and a stable environment
- Preserving records for the future
- Arranging and describing records
- Making the records available

Further assistance in developing and maintaining these core archival activities can be obtained through SARA's local government records workshops, through SARA's technical publications (including Technical Information Series No. 40, *Fundamentals of Managing Local Government Archival Records*), or through consultation with Regional Advisory Officers and with staff of Local Government Archival Advisory Services (518-474-4372).

For More Information and Assistance

The New York State Archives and Records Administration provides records management and archival advisory services to local governments, including technical advice and assistance, publications, training, presentations and consultations with local officials concerning records and

information management issues. SARA has records specialists in Albany and in regional offices throughout the state to provide advice. These services are supported by the Local Government Records Management Improvement Fund. For further information, contact your Regional Advisory Officer or:

Local Government Records Services
State Archives and Records Administration State Education
Department Room 10A63
Cultural Education Center Albany, NY 12230
(518) 474-6926

Appendix A

- **Appraisal Scorecard**
- **Summary of Important Time Periods**
- **Office Analysis**

The following three charts -*Appraisal Scorecard*, *Summary of Important Time Periods*, and *Office Analysis* -were developed to help local governments with the appraisal process. The appraisal questions discussed in the narrative have been organized into the *Appraisal Scorecard* chart. By answering the questions on the *Appraisal Scorecard*, local governments can evaluate the historical significance of their records consistently from series to series. A narrative explanation of the scorecard is presented in Appendix B (Appraisal Checklist), and the process is demonstrated in two case studies (Appendix C).

SARA has also developed two accompanying charts for use during the appraisal process. These charts, *Summary of Important Time Periods* and *Office Analysis*, provide a mechanism for gathering background information that will be useful in answering the appraisal questions. They are discussed and demonstrated in the case studies (Appendix C).

Appraisal Scorecard

| | |
|--|--|
| NAME OF SERIES: | |
| Step 1: When Were the Records Created? | |
| 1A: Are the records from an important period? | |
| 1B: Are the records scarce? | |
| 1C: Are the records old? | |
| 1D: Do the records cover a long or short time period? | |
| Step 2: Why were the records created? | |
| 2C: Do the records document principal functions of the office? | |
| Step 3: What is in the Records? | |
| 3A: Do the records cover important activities? | |
| 3B: Are the records the only source of information? | |
| Are the records the best source? | |
| Do the records dispute other records? | |
| Do the records contain unique information? | |
| Step 4: Who Created the Records? | |
| 4A: Do the records reflect a routine or an individual point of view? | |
| 4B: Was the records creator(s) a high-level manager? | |
| 4C: Was the creator(s) personally involved in the events? | |
| 4D: Does the creator(s) have the necessary expertise? | |
| 4E: Does the creator(s) exhibit a bias? | |
| Adding Up All the Evidence | |
| Will you keep the records? | |

Appraisal Scorecard

Appraising records involves asking a series of questions about the records, then making an informed decision to keep or dispose of the records based on the answers. The appraisal questions fall into four groups or steps:

Step 1. *When* were the records created?

Records created during times of momentous change, survive from a period when many records have been destroyed, or cover a long period of time tend to be more significant.

Step 2. *Why* were the records created?

Records that preserve evidence of the office's principal functions are normally more significant than those that do not.

Step 3. *What* is in the records?

Records which contain more in-depth information about people, places, or events in the community are more likely to be historically important.

Step 4. *Who* created the records?

Records which reflect an employee's perspective or individual point of view may be more significant.

Each step contains a series of related questions. This checklist provides a framework for determining which record series might have historical importance. Since appraisal is a process, the final appraisal decision will not be based on any single answer to these questions; instead, it will be gleaned from the responses as a whole. The appraisal process involves looking at all clues and then making an informed decision.

SARA has incorporated this checklist of appraisal questions into the *Appraisal Scorecard*. By answering the questions on the *Appraisal Scorecard*, local governments can evaluate the historical significance of their records consistently from series to series. A detailed explanation of the checklist and *Scorecard* is presented in Appendix B in a step-by-step narrative.

Summary of Important Time Periods

| | |
|---|-----------------|
| <i>Name of Government:</i> | |
| <i>The following periods are significant:</i> | <i>Because:</i> |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Summary of Important Time Periods

Certain periods and events can affect the development of a government and the community it serves. They often parallel rapid changes in the region, such as increasing or declining population growth, industrialization, or commercial growth. Other significant times include years during the early settlement of the region or when the government was established.

Important single events can also dramatically affect a community and have lasting effects. Such events might include disasters (e.g., fire, flood), the division of a neighborhood by a new highway, the building of a major mall in an adjacent town, or the downsizing of a major local industry.

Local governments will find it helpful to use the *Summary of Important Time Periods* chart to draw together information on periods and events that resulted in momentous change in their communities. Since local government records created during these intervals can provide clues to how the events affected the people of the region, such records might be historically significant.

Determining which times and events to include in the chart can be a difficult undertaking. Frequently such intervals will have had a widespread effect on the community and a broad impact across several government departments. (Events and times that affect individual offices or departments should be recorded on the *Office Analysis* chart.) County or municipal historians can help local officials with identifying events and times that had significant impact. The *Summary of Important Time Periods* chart provides a standardized format for listing the periods and events that are especially important to the government or community. When completed, the chart provides clues that records created during these periods might be more significant.

Office Analysis

| | |
|--|-------------------------------|
| <i>Name of Department, Office, etc.:</i> | |
| <i>Principle Functions of Office:</i> | <i>Source of Information:</i> |
| | |
| | |
| | |
| | |
| <i>Historical Development of the Office:</i> | <i>Time Period:</i> |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| <i>Form Completed By:</i> | |
| <i>Date Form Completed:</i> | |

Office Analysis

To make informed decisions about the significance of a record series, the appraiser must understand the office that created the records -its goals and mission, its duties and responsibilities, and how it has changed over time. The *Office Analysis* chart begins the process of drawing together information about the history and function of an office. It can supply critical clues for identifying record series that document the activities and purpose of the creating office. In addition to its use for appraisal purposes, the core information on the chart can be developed into an office administrative history.

The *Office Analysis* chart first addresses **the principal functions of the office**. Historically important records will show the primary functions or activities of the office -that is, they will preserve evidence of how a government does its business. Functions are not always readily apparent from the records, but may be discovered in interviews with staff, job descriptions, local laws, annual reports, minutes, and budgets. This information compiled in the Office Analysis chart must be updated periodically, since functions change over time.

The section entitled **historical development of the office** should note when an office was created, any changes in the name and duties of the office, and who its chief administrators were. It should also include information on any special events that affected or influenced the operation of the office and/or the retention of its records. Such events might include the destruction of previous administrators records, embezzlement of funds, debate over mosquito spraying, controversy over a deer bait-and-shoot program, or adoption of a Geographical Information System. Understanding the background information about the development of a department can help local officials decide on the significance of the records produced by each office.

Appendix B

Appraisal Checklist: Four-Step Process Using the Appraisal Scorecard

An appraisal checklist is a list of criteria in the form of specific questions against which every series is evaluated. Argument for or against the retention of the records is based on responses to the appraisal questions outlined in this checklist. The step-by-step process discussed here provides a framework for making informed decisions about which record series might have historical importance. By using the appraisal checklist, local officials will bring consistency to the appraisal process.

Appraising records for historical significance involves asking a series of questions about the records, then making an informed decision to keep or dispose of the records based on the answers. The checklist questions are arranged into four groups or steps:

- Step 1. **When** were the records created?
- Step 2. **Why** were the records created?
- Step 3. **What** is in the records?
- Step 4. **Who** created the records?

Each step contains a series of related questions. This appendix provides a narrative explanation of the four steps, examining component elements individually. To assist local officials, SARA assembled the checklist questions into the *Appraisal Scorecard* (Appendix A). The checklist also refers to two background charts (also in Appendix A): *Summary of Important Time Periods*, and *Office Analysis*. The *Summary of Important Time Periods* and *Office Analysis* charts are mechanisms for gathering information that will be useful in answering the appraisal questions. Case studies for the implementation of the process follows in Appendix C.

Since appraisal is a process, the final appraisal decision will not be based on any single answer to these questions but gleaned from the responses as a whole. The appraisal process involves looking at all clues and then making an informed decision. Hence a record such as **canceled checks** might be quite old (1870s) but have very little informational content (only the names of the organizations and nothing about the services or products purchased), and more extensive information may appear in other records (e.g., **general ledgers**). So, while the records may appear to be historically important because of their age, a more detailed analysis reveals that they are of little historical value.

Step 1: When Were the Records Created?

Many individuals associate archival records with age. But age is not the sole criterion for determining whether a record is archival. In fact, archival records may be of very recent vintage.

Records created yesterday, although housed and used actively in an office, can be as historically significant as records created 100 years ago. This step seeks to evaluate the records in a wider context than age alone.

There are four questions in this step:

- A. Are the records from an important period?
- B. Are the records scarce?
- C. Are the records old?
- D. Do the records cover a long or short period of time?

A. Are the records from an important period?

In the life of any government, certain periods are especially important to the development of that government or to the people it serves. Whether resulting from a single event or occurring over several years, the resulting impact is such that the nature of the government or community has changed significantly. Records created during these important times can provide clues about how the events affected the people of the region; therefore they are more likely to be significant.

Important times can include:

- Years during the early settlement of the region
- Years during which the government was established
- Any period of rapid population growth, industrialization, or commercial growth
- Any period that had a great impact on the future of the area, such as an extended period of severe government fiscal crisis or school board infighting, which lead to unstable services

Important events that have influenced the community might include:

- Disasters (e.g., fires, floods) that might reduce the number of existing records
- Controversial events that have affected multiple government departments, such as the building of an airport, the opening of a toxic waste site, labor strikes, or the downsizing of a major local industry

Local governments will find it helpful to use the *Summary of Important Time Periods* chart (Appendix A) to list the time periods and events that are especially important to their governments or communities. The chart provides a forum for drawing together and standardizing the relevant information about the government and the community it serves. The local historian may be interested in completing the chart, or helping the government with its completion. The chart should highlight periods of momentous change in the community -thus providing clues that records created during these periods might be significant.

B. Are the records scarce?

Even records that are recent may be scarce. If most of the records from a certain period have been destroyed in a fire, a flood, or through disposal, then the records that survive tend to be significant. For example, if a fire in the town clerk's office destroyed most of the government's records from 1935 to 1940, then remaining records from that period, though seemingly more routine, may take on more significance. Calamities are unique to each government or community. Therefore, which records are scarce will vary from government to government. (Information relating to scarcity may be gleaned from completed *Summary of Important Time Period* charts.) The scarcity of the records does not mean they are automatically significant, but it is a clue in the overall process of determining the significance of the records.

C. Are the records old?

The significance of really old records is that they tend to be scarce. Records written in the 1600s or 1700s are rare. Records from before the establishment of a government may be few. Because most records from earlier periods did not survive, remaining records tend to be more important. The information in them cannot be found in other records. The State Law stipulating that *local governments may not destroy any record created before 1910 without the written permission of the State Archives* was not created because the records were old but because their information is scarce. The 1911 fire at the State Capitol destroyed many of New York State's records. The scarcity of the State's records has added significance to the information in existing pre-1910 local records.

The age of a record should not be the sole criterion for determining whether or not it should be kept. Not every old record has archival value and therefore not every old record should be kept permanently. Little archival value exists, for example, in coal receipts dating from the 1890s. The archival values of old records need to be assessed with the same appraisal criteria as records created recently.

Another argument for keeping old records is that the records themselves are objects of historical significance. Older records tend to be those that people want to see in exhibits or use in the classroom. However, not all old records will be needed or are suitable for exhibits or educational uses. Many "old" records are hard to read, not visually appealing, in too poor a condition to be exhibited, or not interesting. Other factors must be weighed in the selection process.

D. Do the records cover along or short time period?

Records that cover a long period of time provide a more thorough picture of the government than those that cover only a brief period. Therefore, records that cover a long period of time tend to be more significant.

Step 2: Why Were the Records Created?

Records that preserve evidence of how a government does its business tend to be more significant. To make informed decisions regarding the significance of a record series, appraisers must understand the office that created the records. Understanding the office and its functions provides critical clues in identifying record series that document the activities and purpose of the creating office. Knowing why the records were created ensures that records which show the functions of the various offices are kept. The questions in Step 2 help identify those records. When government employees create a record, they do so as functionaries of a certain *office*. The questions in Step 2 are concerned with the creator of the records as the representative of a certain office. (Step 4 will discuss the creator of the records as an individual.) Step 2 questions include:

- A. Which office created these records?
- B. What are the principal functions of that office?
- C. Do these records document the principal functions of the office?

Questions 2A and 2B provide a context for the creation of the records and enable the appraiser to answer the last question, 2C. Therefore, the responses to questions 2A and 2B are appropriately recorded on the background chart, *Office Analysis*, rather than the *Appraisal Scorecard*. For this reason, appraisers will only find question 2C on the scorecard.

A. Which office created the records?

This question is usually easy to answer by looking at the records themselves. The records inventory will also show the office of creation. Be aware however, that the office that created the records may be different from the office that is storing them.

B. What are the principal functions of that office?

To decide the significance of, and accurately appraise the records produced by each office, the appraiser must know the functions of that office. Identifying those functions will show which record series provides evidence of the principal functions or activities of the office. For example:

- *Mayor's office*. Functions might include directing town departments and approving or vetoing legislation enacted by the town board.
- *Planning department*. Functions may include planning and encouraging the physical, economic, and industrial development of the county, and encouraging public involvement in the planning process.
- *School treasurer*. Functions of this office would likely include preparing and recommending an annual budget for the school board, maintaining fiscal and banking records of the school, and reporting annually on the fiscal activities of the school.

Since the creation of records results from a government's conducting its business, the records themselves will reflect the functions and activities of their creator. Functions are not always readily apparent from the records, but they may be identified through a variety of sources, including:

- Interviews with staff, especially department heads.
- Job descriptions
- Local laws
- Annual reports
- Budgets
- Published manuals
- Administrative histories, government directories, and *New York Department of State Local Government Handbook*.

The *Office Analysis* chart (Appendix A) is a helpful tool for drawing together information related to each department from various sources. Conducting the research and completing the chart may be delegated to staff, municipal historians, interns, or volunteers. This information must be updated periodically, since functions change over time.

C. Do the records document the principal functions of the office?

Historically significant records will document not how every employee did every small task, but how the office, overall, fulfilled its principal functions. Records that summarize and describe the activities of the office tend to be particularly significant.

For example, if the fiscal officer of the government created the records being appraised, the principal activities of the office (or person) might be to:

1. Prepare and recommend (to the chief legislative body) an annual budget
2. Maintain fiscal and banking records of the government
3. Report annually on the fiscal activities of the government

The series **Budget preparation files** preserves evidence of one of the office's principal functions: preparing the annual budget. The **Budget preparation files**, therefore, have an increased chance of being significant. However, duplicate copies of **Board minutes** do not preserve evidence of the principal activities of this office. This series is less likely to document how the office carries out its responsibilities -and therefore is less likely to be historically significant.

Step 3: What is in the Records?

Because governments are constantly involved in the lives of people, their records may contain a tremendous amount of information about:

People who live within the government's jurisdiction: the conditions they live under, how they make their living, how they entertain themselves, their values and concerns

Buildings and sites within the local government's borders: the architecture, open spaces, and environment of the area

Significant events in the area: major displacements of people (urban renewal, etc.), settlement of immigrants, effect of industrialization and deindustrialization, etc. The records may contain information about the events themselves or about the decisions made in relation to them

Government records can reveal information about what people owned, about the attitudes and values of parents of schoolchildren, about how the construction of a new highway led to the demise of a neighborhood, or about how a community reacted to a military base closing. The information concerning people, places, and events can be very valuable to researchers, staff, and the public, but only if the information itself is significant. The records must have enough information to adequately document the people, places, or events recorded. (Step 1 evaluates whether a particular event itself is significant.) The only way to decide the significance of the information is by asking questions about the content of the records themselves:

- A. Do the records cover important activities?
- B. Are these records an important source of information on this topic?

A. Do the records cover important activities?

Records that document important government activities tend to contain more in-depth information about people, places, or events in the community. A clue to whether the activities are important is whether they are routine by nature. Records that result from routine activities are repetitious (e.g., **purchase orders, canceled checks**). The range of information provided by such records is limited in scope. School library book requisition orders are an example of routine records. The purchase requisitions document a housekeeping activity, and each requisition form is very much like every other form in style and content. Routine records tend to be insignificant historically.

Records that relate to important activities are usually not treated in a routine matter. For example, requests for the removal of books from a school library deal with the censorship of library material. While these records might look alike (each lists name of parent, book, and reason for request), the content of each will be unique. In a fire district, correspondence that discusses the need for a new fire station is not routine, and each document will be different from the others. If the record covers important activities, it is more likely to be historically important.

B. Are the records an important source of information on this topic?

The records may be an important source of information for any of four reasons:

1. If they are the only source of information on this topic

2. If they are the best source
3. If they dispute other information on this topic
4. If they contain unique information about this topic

Addressing these questions can help determine if a record series is an important source of information.

1. Are they the **only** source of information?

Consider the series **Requests for removal of book** which consists of forms completed by school librarians to remove a book from the library. Each form includes the name of the person requesting the removal, the reason for the request, and a description of action taken by the library and/or the school board. If this series is the only place that the information exists, it is more apt to be significant. However, it is likely that the **Minutes of the school board** also cover the topic.

2. Are they the **best** source of information?

If the **Request for removal of a book** merely duplicates information found in the **Minutes of the school board**, then only one series needs to be kept. However, if the removal request files add to the information in the school board's files, then they may be significant. Do the removal request files, for example, document instances of protests that never made their way to the school board? Perhaps the library staff resolved these disputes. If so, these records, taken with those of the school board, provide a more comprehensive picture of the issue than a single series of records alone could provide.

3. Do they **dispute** other information on this topic?

A record series also may add significantly to what is known about a topic by disputing what other documents record. For example, if the school board's minutes show very few complaints about books in the library, but the library's own files indicate that the librarians resolved many complaints without the intervention of the board, then the library's perspective on the issue may be meaningful.

4. Do they contain **unique** information about this topic?

The last way the records may add significantly to what is known about a topic is if they document a unique aspect of a phenomenon that is otherwise common. If, for instance, the library's files contain a few complaints about *The Adventures of Huckleberry Finn* or *Catcher in the Rye*, they might simply duplicate the files of thousands of school libraries in New York State and elsewhere. However, if the files contain a request to remove the Bible from the shelves, it might represent a unique instance of attempted censorship. The uniqueness of the record sets it apart from those of other governments, giving it a statewide or national significance.

Step 4: Who Created the Records?

Government employees often create records that reflect their own individual points of view. The employee's perspective may have a bearing on the significance of the record. Not all records, however, reflect an individual's particular view; many are routine. With routine records (e.g., **payroll reports, general ledgers, or employee time records**), the identity of the individual who created them is unimportant. Routine records are completed in much the same way by all employees.

Non-routine records are more likely to include important topics. This is most likely with unstructured documents, such as correspondence, narrative reports, or memoranda. Questions about the person who created them can help gauge the significance of the records.

The first Step 4 question determines whether the appraiser needs to answer the other questions in this step:

A. Do the records reflect a routine or an individual point of view?

If they are routine, then the remaining questions do *not* need to be answered.

If they reflect the point of view of the records creator, then ask the following questions:

- B. What is the official position of the person who created these records?
- C. Was the creator personally involved in the events recorded?
- D. Did the creator have the expertise necessary to understand the events recorded?
- E. Does the creator exhibit a bias?

B. What was the official position of the person who created these records?

Higher-level managers have an overview of the entire government, and their records reflect that fact. The higher the position of the records creator, the more likely the records are significant. For example, if the record series, **Records related to the construction of Interstate 88** was being appraised, then the official position of the person who created or received the records (the planning commissioner) might increase the historical importance of the records. The Appraisal Scorecard addresses this question by asking, "Was the records creator a high-level manager?"

C. Was the creator personally involved in the events recorded?

Usually where records describe an event or chain of events, the records of people who participated in the events are more significant than those of people who did not. For the Interstate 88 records, the commissioner presumably had direct involvement in all the meetings (at least high-level ones) and other decision making processes throughout the construction of the highway. Therefore, his or her records are more likely to be significant.

D. Did the creator have the necessary expertise to understand the events recorded?

Many government records deal with complex issues that require special education and training to understand. Whenever records deal with technical or complex subjects, records created by experts *may* have more significance than records created by others. In the example, the selection of the interstate route might involve questions of population density, land use, etc. In such a case, the importance of the records may depend on the ability of the records creator to understand and communicate the subject matter.

E. Does the creator exhibit a bias?

Whenever the creator of the records exhibits a strong bias, the appraiser must be careful to examine whether that bias diminishes or increases the historical importance of the records. Even when the bias is negative, the record may be an important historical record of the fact that such a bias existed. In the case of Interstate 88, if the commissioner favored a route proposed by the planning department but not selected by the federal government, then the records may reveal information that never found its way into the official record of the event.

The Last Step: Adding Up All the Evidence

Once the appraiser has asked all the questions, the final step in the appraisal process is to look at *all* the clues, assess all the factors, and then make an informed decision. The *Appraisal Scorecard* chart (Appendix A) maps out the checklist questions and provides room to write a "yes" or "no" response and/or comments. Final decisions cannot be based on a simple arithmetic calculation; it is not just a matter of deciding to keep all records where 50% or more of the answers are "yes." In some situations, one factor is so compelling that the record is worth keeping despite other deficits.

The four-step process provides a framework for making an informed decision. It also enables the appraiser to put in writing the appraisal decisions -why records were kept or discarded. This written record can be beneficial in the future when government staff or the public questions the appraisal decision.

Appendix C

Using the Appraisal Checklist

Case Studies

These case studies illustrate how to apply the appraisal questions identified in the *Appraisal Checklist* (Appendix B) to decide the historical significance of record series. Two series, **Journals** and **Subject and correspondence files**, serve as the test cases. The case studies examine each step question from the *Appraisal Checklist*, and bring all these questions together in the final phase, "Adding Up the Evidence."

Each case provides a series description and tables that correspond to the step questions. The tables include the general and specific step questions and provide detailed narrative answers. Finally the exercise brings the individual tables together into the *Appraisal Scorecard*.

Many step questions draw on information about the history of the government or office that generated the records. As outlined earlier in this publication, the *Summary of Important Time Periods* and *Office Analysis* charts is designed to draw together pertinent information about a government and the offices that comprise it. An example of how to complete these two charts is included at the end of the case studies. The models provide narrative descriptions of a fictional government and two of its offices, followed by completed *Summary of Important Time Periods* and *Office Analysis* charts. The background information from these model charts was used to complete the case studies.

Case1: Journals

Series Descriptions

As the appraisal questions are considered for the series, **Journals**, readers should assume that the Town of Empire, the fictional government in these case studies, also has the series **General ledgers**. Both series descriptions are provided here.

Journals.

- Location: Comptroller's office
- Qty: 2 volumes
- Dates: 1899-1900
- Retention: 6 years after last entry
- Comments: Chronological entries of all fiscal transactions. Includes the account number, the amount of the debit or credit for each transaction, and (sometimes) a short description of the item or service purchased.

General Ledgers.

- Location: Comptroller's office
- Qty: 53 volumes
- Dates: 1877-1930
- Retention: 10 years after last entry
- Contents: Record of all receipts and disbursements. The receipts section lists entries by date and includes the source of the money, the credited fund, and the amount. The disbursements section is also arranged by date and includes the person or vendor to whom money was paid, the account debited, and the amount. Each entry also includes a description of the goods or services purchased.

Step Questions with Narrative Responses for Journals

Step 1: When Were the Records Created?

| Table 1.1: Step 1 Questions for Journals | |
|--|--|
| <p>1A. Are the Journals from an important period?</p> <p><i>Clue: Records created during times of momentous change may be significant.</i></p> <p>Help: See the completed chart <i>Summary of Important Time Periods</i> to identify periods that are important to the government's history.</p> | <p><i>No</i>, the completed <i>Summary of Important Time Periods</i> chart on p. 37 shows that while the town was growing, it was not experiencing a rapid increase in population.</p> |
| <p>1B. Are the Journals scarce?</p> | <p><i>Yes</i>, the 1909 fire destroyed many town</p> |

| | |
|---|--|
| <i>Clue: If most of the records from a certain period have been destroyed, the records that survive tend to be significant.</i> | records. |
| 1C. Are the Journals old? <i>Clue: Very old records tend to be significant.</i> | Yes , the records are nearly 100 years old. |
| 1D. Do the Journals cover a long or short time period? <i>Clue: Records that cover a long period of time tend to be more significant than those that cover a short period.</i> | Short , they only cover a two-year period. |

Step 2: Why Were the Records Created?

| | |
|--|---|
| Table 1.2, Step 2 Questions for Journals | |
| 2A. Which office created the Journals? | Comptroller's office |
| 2B. What are the principal functions of the Comptroller's office? Help: Complete the <i>Office Analysis</i> chart | Prepare and recommend an annual budget for the board; maintain fiscal and banking records of the town; report annually on the fiscal activities of the town. See <i>Office Analysis</i> chart on p. 39. |
| 2C. Do the Journals document the principal functions of the office? <i>Clue: Records that preserve evidence of the office's principal functions are normally more significant than those that do not.</i> | Yes , they directly relate to the primary function of the office. |

Step 3: What Is in the Records?

| | |
|---|---|
| Table 1.3: Step 3 Questions for Journals | |
| 3A. Do the Journals cover important activities? Clue: Records that document important activities tend to be significant | No , the records are routine by nature. |
| 3B. Are they the only source of information? | No , the General ledgers provide another source. |
| Are they the best source of information? | No , the General ledgers include more information. |

| | |
|-------------------------------------|--|
| Do they dispute other information? | <i>No</i> , they do not dispute other information. |
| Do they contain unique information? | <i>No</i> . |

Step 4: Who Created the Records?

| Table 1.4: Step 4 Questions for Journals | |
|--|--|
| 4A. Do the Journals reflect a routine or an individual point of view? | Routine, the remaining Step 4 questions do not need to be asked. |
| 4B. Were the Journals' creators high-level managers? <i>Clue: The higher the position of the records creator, the more likely that the records are significant.</i> | Since they are routine, the question is not applicable (n/a). |
| 4C. Were the creators of the Journals personally involved in the events recorded? <i>Clue: The records of people who participated in the events are more significant than those of people who did not.</i> | n/a |
| 4D. Did the creators of the Journals have the necessary expertise to understand the events recorded? <i>Clue: Records created by experts may have more significance than records created by others.</i> | n/a |
| 4E. Do the creators of the Journals exhibit a bias? <i>Clue: Whenever the creator of the records exhibits a strong bias, the appraiser must be careful to examine whether that bias diminishes or increases the historical importance of the records.</i> | n/a |

Adding Up the Evidence

| | |
|--|--|
| NAME OF SERIES: <i>Journals</i> | |
| Step 1: When Were the Records Created? | |
| 1A: Are the records from an important period? | No |
| 1B: Are the records scarce? | Yes |
| 1C: Are the records old? | Yes |
| 1D: Do the records cover a long or short time period? | Short |
| Step 2: Why were the records created? | |
| 2C: Do the records document principal functions of the office? | Yes |
| Step 3: What is in the Records? | |
| 3A: Do the records cover important activities? | No |
| 3B: Are the records the only source of information? | No (the general ledgers are available) |
| Are the records the best source? | No |
| Do the records dispute other records? | No |
| Do the records contain unique information? | No |
| Step 4: Who Created the Records? | |
| 4A: Do the records reflect a routine or an individual point of view? | Routine |
| 4B: Was the records creator(s) a high-level manager? | n/a |
| 4C: Was the creator(s) personally involved in the events? | n/a |
| 4D: Does the creator(s) have the necessary expertise? | n/a |
| 4E: Does the creator(s) exhibit a bias? | n/a |
| Adding Up All the Evidence | |
| Will you keep the records? | No, a better source is available. (For records before 1910, SARA will need to approve of their destruction.) |

Case 2: Subject and correspondence files

Series Description

Subject and correspondence files.
 Location: Office of the Commissioner of Planning
 Qty: 2 file drawers
 Dates: 1934-1941
 Retention: 1 year, 6 years, or permanent
 Contents: Correspondence, memos, reports, program budget materials, photographs, maps, engineer's notes, carry-out menus, golf scorecards, and unmailed Christmas cards. Included are several folders of records related to the search for an appropriate site for the municipal airport and heavily annotated reports regarding the advantages and disadvantages of each. Files also contain information on the construction of the airport.

Step Questions with Narrative Responses for Subject and Correspondence Files

Step 1: When Were the Records Created?

| Table 1.1: Step 1 Questions for Subject and correspondence files | |
|---|---|
| 1A. Are the Subject and correspondence files from an important period? <i>Clue: Records created during times of momentous change may be significant.</i> Help: See the completed chart <i>Summary of Important Time Periods</i> to identify periods that are important to the government's history. | Yes , the <i>Summary of Important Time Periods</i> chart on p. 37 shows the records were created during a time of great controversy over airport construction. |
| 1B. Are the files scarce? <i>Clue: If most of the records from a certain period have been destroyed, the records that survive tend to be significant.</i> | No , there is no evidence of any missing or destroyed records during this period. |
| 1C. Are the file old? <i>Clue: Very old records tend to be significant.</i> | No , the records are fairly recent considering the town is more than 150 years old. |
| 1D. Do the Subject and correspondence files cover a long or short time period? | Short , they only cover eight years. |

| | |
|---|--|
| <i>Clue: Records that cover a long period of time tend to be more significant than those that cover a short period.</i> | |
|---|--|

Step 2: Why Were the Records Created?

| Table 1.2, Step 2 Questions for Subject and correspondence files | |
|--|--|
| 2A. Which office created the Subject and correspondence files? | Office of the Commissioner of Planning |
| 2B. What are the principal functions of the Office of the Commissioner of Planning? Help: Complete the <i>Office Analysis</i> chart | Develop and carry out policies and programs relating to town development, especially zoning, infrastructure housing, parks, natural resources and environmental issues. (See <i>Office Analysis</i> chart on p. 38.) |
| 2C. Do the Subject and correspondence files document the principal functions of the office? <i>Clue: Records that preserve evidence of the office's principal functions are normally more significant than those that do not.</i> | Yes , most of the records relate directly; a few (golf score cards, menus, Christmas cards) do not. |

Step 3: What is in the Records?

| Table 1.3: Step 3 Questions for Subject and correspondence files | |
|---|---|
| 3A. Do the Subject and correspondence files cover important activities? <i>Clue: Records that document important activities tend to be significant</i> | Yes, they document a variety of activities and thus provide a wide range of information about the government and the community. |
| 3B. Are they the only source of information? | No, the planning board has minutes of its meeting in which much of the information is conveyed at least in summary form. |
| Are they the best source of information? | Yes, they may be the best source since they will provide a greater level of detail. |
| Do they dispute other information? | Yes, they may dispute information in other records, particularly if the airport records contain annotated reports. |
| Do they contain unique information? | No, many municipalities have airport controversies. |

Step 4: Who Created the Records?

| Table 1.4: Step 4 Questions for Subject and correspondence files | |
|---|---|
| 4A. Do the Subject and correspondence files reflect a routine or an individual point of view? | Individual point of view. Continue to ask the Step 4 questions. |
| 4B. Was the creator of the files a high-level manager? <i>Clue: The higher the position of the records creator, the more likely that the records are significant.</i> | Yes, the commissioner. |
| 4C. Was the creator of the files personally involved in the events recorded? <i>Clue: The records of people who participated in the events are more significant than those of people who did not.</i> | Yes, annotations and arguments show involvement. |
| 4D. Did the creator of the files have the necessary expertise to understand the events recorded? <i>Clue: Records created by experts may have more significance than records created by others.</i> | Yes, the Office Analysis chart tells us he was a professional engineer. |
| 4E. Did the creator of the files exhibit a bias? <i>Clue: Whenever the creator of the records exhibits a strong bias, the appraiser must be careful to examine whether that bias diminishes or increases the historical importance of the records.</i> | Yes, the commissioner professed open opposition to the airport site. |

Adding Up the Evidence

| NAME OF SERIES: <i>Subject and correspondence files</i> | |
|---|-------|
| Step 1: When Were the Records Created? | |
| 1A: Are the records from an important period? | Yes |
| 1B: Are the records scarce? | No |
| 1C: Are the records old? | No |
| 1D: Do the records cover a long or short time period? | Short |
| Step 2: Why were the records created? | |

| | |
|--|--|
| 2C: Do the records document principal functions of the office? | Yes |
| Step 3: What is in the Records? | |
| 3A: Do the records cover important activities? | Yes (some) |
| 3B: Are the records the only source of information? | No |
| Are the records the best source? | Yes |
| Do the records dispute other records? | Yes |
| Do the records contain unique information? | No |
| Step 4: Who Created the Records? | |
| 4A: Do the records reflect a routine or an individual point of view? | Individual Point of View |
| 4B: Was the records creator(s) a high-level manager? | Yes |
| 4C: Was the creator(s) personally involved in the events? | Yes |
| 4D: Does the creator(s) have the necessary expertise? | Yes |
| 4E: Does the creator(s) exhibit a bias? | Yes |
| Adding Up All the Evidence | |
| Will you keep the records? | Yes , at least some records. The files should be weeded of the non-relevant material such as golf scorecards, menus, and Christmas Cards, and the department should Improve its filing practices. |

Using the Background Information Charts

The *Summary of Important Time Periods* and the *Office Analysis* charts are tools that local officials can use to gather background information on their local government and its offices. The charts can be used in a variety of ways:

- To provide a quick synopsis of the government's history or the community's development
- To provide an overview of office functions or the development of a department
- To provide a foundation for a later history on the region or government
- To help identify records which are historically important

Below is *background information* on a fictional government and two of its offices, followed by examples of completed charts that illustrate how to blend the background information into charts.

Government Background Information

Town of Empire

The Town of Empire was founded in 1835 and grew steadily until, by 1925, it had become the major municipal center and seat of government in its county. In 1925, to meet the growing needs of the community, the town board approved the creation of several new departments. By 1930, the population, which in 1900 was 27,000, had grown to more than 86,000. The town's physical facilities, already taxed by the 1909 fire that damaged the town hall, were strained nearly to the breaking point. During the next decade, the town built a new town hall and town garage, constructed roads, laid sidewalks, and repaired bridges.

In 1940, after a three-year controversy over the site, the town board approved the construction of a municipal airport. Throughout that year Commissioner Peter Parker publicly ridiculed the site selected by the Board. In 1956 Mr. Parker was vindicated when the entire airport sank into the swampy land.

The Town of Empire has continued to grow rapidly. With the enormous growth the town's rural landscape has changed. Housing developments, schools, highways, recreational facilities, and businesses have replaced farms and vacant land.

Completed Chart: Summary of Important Time Periods

| | |
|--|---|
| Name of Government: | Town of Empire |
| The following periods are significant: | Because: |
| 1822 | Erie Canal which runs through the region was opened. |
| 1835 | Town of Empire was founded. |
| 1877 | Railroad depot was opened. |
| 1909 | A fire damaged the Town Hall (and burned most of its records). |
| 1925 -1930 | By 1925 the town had become a major municipal center and the seat of government in its county. During the next five years the town board created several new departments to cope with the growth. |
| 1930 -1940 | The town's physical infrastructure and utilities were strained nearly to the breaking point A new town hall, garage, and roads were built, sidewalks were laid, and bridges repaired. |
| 1937 -1941 | In 1940, after a three-year controversy over the site, the town board approved the construction of a municipal airport Peter Parker, a professional engineer and the commissioner of planning, professed open opposition to the site. |
| 1956 | The entire airport sank into the swampy land on which it had been built |

Department Background Information

Planning Department

The mission of the department of planning is to develop and carry out policies and programs to promote the orderly development of the Town of Empire. The department's work focuses on zoning, infrastructure (utilities and transportation), housing, parks, natural resources and environmental issues.

The Department of Planning was established in 1930 with a professional engineer, Peter Parker, as its first commissioner of planning. The town board gave the new commissioner widespread powers over zoning matters, construction and other development issues. Commissioner Parker served as chief engineer on the project to select an airport site. He was relieved of his duties in 1941 after a year of publicly ridiculing the town board on its choice of a site for the airport. The department's third commissioner, Mike Smith, resigned in 1956 after being accused of taking bribes from developers. Upon leaving office he destroyed all the files he created during his tenure. Commissioner John Jones was responsible for developing the town's master plan, constructing the new town park in 1967, and building a civic center in 1976. The roof on the

civic center collapsed in the summer of 1978. The contractor was found liable for faulty construction practices and reimbursed the town.

Completed Chart: Office Analysis

| | |
|---|-------------------------------|
| <i>Name of Department, Office, etc.:</i> Department of Planning | |
| <i>Principle Functions of Office:</i> | <i>Source of Information:</i> |
| Develop and carry out policies and programs to promote the orderly development of the town. | Minutes of the town board |
| Be responsible for zoning, infrastructure (utilities and transportation), housing, parks, natural resources, and environmental issues | Annual report and budget |
| <i>Historical Development of the Office:</i> | <i>Time Period:</i> |
| Creation of the Department of Planning | 1930 |
| Appointment of Peter Parker, a professional engineer, as first commissioner | 1930 |
| Peter Parker serves as chief engineer on airport project | 1937 -1940 |
| Peter Parker is fired | 1941 |
| Bribery charge leads to Commissioner Mike Smith's resignation | 1956 |
| Commissioner Smith destroys all files he created during his tenure | 1945-1956 |
| Construction of new town park | 1967 |
| Civic center built | 1976 |
| Roof on civic center collapses | 1978 |
| <i>Form Completed By:</i> Jane Doe | |
| <i>Date Form Completed:</i> Jan. 2,1994 | |

Department Background Information

Comptroller's Office

The comptroller's office is responsible for reviewing annual department budgets, preparing the final budget to be submitted to the town board for approval, maintaining all fiscal and banking accounts, and reporting annually on all fiscal activities of the town. Initially the town supervisor handled all municipal finances. This, however, became impractical as the scope of the town's activities expanded, and the position of comptroller was created in 1925. In 1970 the comptroller, Tom Adams, was indicted for embezzlement of funds. All accounting functions were computerized in 1975.

Completed Chart: Office Analysis

| | |
|---|-------------------------------|
| <i>Name of Department, Office, etc.:</i> Comptroller's Office | |
| <i>Principle Functions of Office:</i> | <i>Source of Information:</i> |
| Prepare and recommend an annual budget to the town board | Minutes of the town board |
| Maintain fiscal and banking records of the town | Annual report and budget |
| Report annually on the fiscal activities of the town | Annual report and budget. |
| <i>Historical Development of the Office:</i> | <i>Time Period:</i> |
| First comptroller appointed | 1925 |
| Comptroller Adams indicted on embezzlement charges | 1970 |
| Office automates its accounting operations | 1975 |
| <i>Form Completed By:</i> Jane Doe | |
| <i>Date Form Completed:</i> Jan. 12,1994 | |

ATTACHMENT V

SUMMARY OF RECORD RETENTION REQUIREMENTS FOR HUMAN RESOURCES AND LABOR-RELATED RECORDS¹

¹ This summary should be used in combination with the Schedule (*see* Attachment I of this OP, *supra*). Additionally, once the retention period expires for any Record listed in this summary, the Record must be appraised for archival, historical or other research value. Further, the restrictions, limitations, requirements, procedures, and instructions set forth in this OP including, without limitation, §§ XVI [Records Not Covered By HHC's Record Retention Schedule], XXIII [Preservation of Records and Suspension of Routine Record Destruction Procedures for Litigation and Investigatory Purposes] XXIV [Records Created Before 1910], XXVII [Destruction of Records that Have Met Retention Requirements], XXVIII [Records Disposal Procedure], XXIX [Instructions for Completing the HHC Application and Authorization for Records Disposal (HHC 2845 (05/15)) Form], XXX [Historically Significant/Archival Records], and XXXVI [Applicable Law Prevails], *supra*, must be followed prior to the disposition of any Record found in this summary that has met the period of retention provided therein.

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|---|--|-------------|-------------------|---|
| | | ITEM NUMBER | PAGE ² | |
| TRAINING COURSE REGISTRATION PROCESSING RECORDS | Including but not limited to employees' application and enrollment records for courses including employee data forms, course applications, and supervisors' and training officers' authorizations or denials | 37.[585] | 9 | 3 Years after date of application to take course |
| PAYMENT RECOUPMENT RECORD | Documenting the process of recovering monies paid erroneously by local government to employee, vendor or other payee | 16.[719] | 62 | 6 Years after date of most recent entry in record |
| PAYROLL (Including information on gross and net pay, base pay, taxes, and other deductions) | Year-end payroll, including detailed information necessary for salary verification for retirement and social security purposes | 1.[291] (a) | 63 | 55 Years |
| | Periodic payroll, including detailed information necessary for salary verification for retirement and social security purposes, when no year-end payroll is maintained or year-end payroll does not contain this required detailed information | 1.[291] (b) | 63 | 55 Years |
| | Periodic payroll, not including detailed information necessary for salary verification for retirement and social security purposes | 1.[291] (c) | 63 | 6 Years |
| | Warrant authorizing payment of salaries based on a specific payroll, if maintained separate from payroll itself | 1.[291] (d) | 63 | 6 Years |
| | Preliminary draft of payroll | 1.[291] (e) | 63 | 0 after warrant authorizing payment of salaries is signed |

² Page numbers reference the corresponding pages in Attachment I, the New York City Health and Hospitals Records Retention and Disposal Schedule, *supra*.

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|--|---|-------------|------|---|
| | | ITEM NUMBER | PAGE | |
| PAYROLL OR RELATED REPORT (Covering all employees or an individual employee, and not covered by specific item in this section) | When needed for audit or other fiscal purposes | 2.[292] (a) | 64 | 6 Years |
| | When not needed for audit or other fiscal purposes | 2.[292] (b) | 64 | 0 after no longer needed |
| PAYROLL DISTRIBUTION BREAKDOWN RECORD | Used to distribute or classify labor costs | 3.[293] | 64 | 6 Years |
| SUMMARY RECORD OF EMPLOYEE'S PAYROLL CHANGES | | 4.[294] | 64 | 6 Years after termination of employment |
| EMPLOYEE'S TIME CARDS, SHEETS, OR BOOKS | | 5.[295] | 64 | 6 years |
| RECORD OF EMPLOYEE ABSENCES OR ACCRUALS (Not an employee's time cards or sheets) | When not posted to periodic cumulative time summary record | 6.[296] (a) | 64 | 6 Years |
| | When posted to periodic cumulative time summary record | 6.[296] (b) | 64 | 1 Year |
| EMPLOYEE REQUEST FOR AND/OR AUTHORIZATION GIVEN TO EMPLOYEE | Regarding use or donation of sick, vacation, personal or other leave, or to work overtime | 7.[297] | 64 | 6 Years |

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|--|---|-------------|------|--|
| | | ITEM NUMBER | PAGE | |
| RECORD OF ASSIGNMENTS, ATTACHMENTS, AND GARNISHMENTS OF EMPLOYEE'S SALARY | When employment was terminated prior to satisfaction | 8.[298] (a) | 65 | 6 Years after termination of employment |
| | When satisfied | 8.[298] (b) | 65 | 5 Years after satisfaction |
| EMPLOYEE'S VOLUNTARY PAYROLL DEDUCTION REQUEST FORM | | 9.[299] | 65 | 5 Years after authorization expires |
| SCHEDULE OR OTHER NOTIFICATION FROM ISSUING BANK SHOWING SAVINGS BOND PURCHASED FOR EMPLOYEE | | 10.[300] | 65 | 5 Years after last bond purchased for employee |
| EMPLOYEE'S PERSONAL EARNINGS RECORD ³ | Used to prove end-of-year total earnings, retirement or other deductions and taxes withheld | 11.[301] | 65 | 6 Years |
| EMPLOYEE'S DECLARATION OF INTENTION TO ACCEPT OR REJECT SOCIAL SECURITY | | 12.[302] | 65 | 10 Years after employee dies or reaches age 75, whichever is later |
| QUARTERLY OR OTHER PERIODIC REPORT OF WAGES PAID | Prepared for Social Security, and report of any adjustments or corrections | 13.[303] | 65 | 6 Years after year in wages were reported |
| COPY OF FEDERAL DETERMINATION OF ERROR IN WAGE REPORTS | Form OAR-S30 or equivalent record | 14.[304] | 65 | 6 Years after determination received |

³ HHC may need to retain these records longer for social security or retirement documentation purposes.

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|--|--|--------------|------|--|
| | | ITEM NUMBER | PAGE | |
| PAYROLL REPORT SUBMITTED TO NEW YORK STATE RETIREMENT SYSTEM | Including any other official pension system | 15.[305] | 65 | 6 Years |
| EMPLOYER'S COPY OF TAX FORMS | Annual Federal Tax Return (Form 940), Quarterly Federal Tax Return (Form 941E) and Continuation Sheets (Form 941a), Notice of Tax Return Due (Form TY 14), or equivalent forms | 16.[306] | 65 | 4 Years after tax paid |
| | U.S. Information Return for Calendar Year (Form 1099), Withholding Tax Statement (Form W-2) or Transmittal of Wages and Tax Statements (Form W-3), or equivalent forms | 17.[307] | 66 | 4 Years |
| EMPLOYEE'S WITHHOLDING EXEMPTION CERTIFICATE | Form W-4 or equivalent form | 18.[308] | 66 | 4 Years after a superseding certificate is filed or employment is terminated |
| EMPLOYER'S COPY OF NEW YORK STATE INCOME TAX RECORDS RELATING TO EMPLOYEES | | 19.[309] | 66 | 4 Years after tax was paid |
| DIRECT DEPOSIT RECORDS | Covering direct deposit of employee's salary, including but not limited to application to begin or terminate direct deposit, and transaction log or similar reports | 20.[722] | 66 | 5 Years after authorization expires |
| EMPLOYEE'S DECLARATION OF INTENTION TO DECLINE MEMBERSHIP OR PARTICIPATION IN RETIREMENT SYSTEM OR BENEFIT PLAN | For retirement system | 21.[723] (a) | 66 | 6 Years after termination of employment |
| | For benefit plan | 21.[723] (b) | 66 | 6 Years after termination of employment |

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|--|---|-------------|------|---|
| | | ITEM NUMBER | PAGE | |
| WORKERS' COMPENSATION CASE RECORD⁴ | If claim allowed | 2.[247] (a) | 70 | 18 Years after injury or illness, but not less than 8 Years after last payment |
| | If claim disallowed after trial, or case otherwise disposed of without an award after the parties have been given due notice | 2.[247] (b) | 70 | 7 Years after injury or illness |
| MASTER SUMMARY RECORD OF ALL CLAIMS | Log or register of all claims including workers' compensation | 3.[248] | 70 | 0 after all claims and/or cases listed in master summary record have been disposed of |
| PERSONNEL RECORDS OF ALL LOCAL GOVERNMENT EMPLOYEES (Including volunteers and interns) | Mastery summary record from personnel case file, including but not limited to age, dates of employment, job titles and civil service status | 1.[310] (a) | 76 | Permanent |
| | Personnel case file materials, except summary information record, and including but not limited to application for employment, resume, report of personnel change, evaluation, civil service examination results, notice of resignation nor termination, and correspondence | 1.[310] (b) | 76 | 6 Years after termination of employment |
| INVESTIGATIVE RECORDS AND DISCIPLINARY PROCEEDINGS⁵ | Including but not limited to statement of charge, transcript of hearing, notice of decision, letter of termination or resignation, letter of reinstatement, record of appeal procedure, and correspondence | 2.[311] | 76 | 3 Years after final decision rendered |
| EMPLOYEE'S TIME RECORDS | Covering leave, absences, hours worked and scheduling, and including but not limited to employee's time cards or sheets, request for change of work schedule, vacation schedule, report of absence and request for leave without pay | 3.[312] | 76 | 6 Years |

⁴ The employee injury record must be retained for 18 years after date of accident or injury, as required by Workers' Compensation Law § 110, even for disallowed claims (*see* item no. 21.[741] Employee Injury Record in this Attachment, *infra*).

⁵ Records covered by this item may be destroyed before the retention period has been reached, if specified either in a union contract or settlement between the employer and employee.

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|--|---|-------------|------|--|
| | | ITEM NUMBER | PAGE | |
| EMPLOYEE TRAINING HISTORY RECORDS⁶ | Documenting employee continuing education, training and development, including employee identification, training received, dates of training, and related records | 5.[314] | 77 | 6 Years after termination of employment |
| IDENTIFICATION CARD RECORDS | When card is issued to local public employee | 7.[316] | 77 | 6 Months after becoming invalid |
| EQUAL EMPLOYMENT OPPORTUNITY REPORT AND RELATED RECORDS | Annual, long-term or special (narrative or statistical) reports, goals and achievements | 8.[317] (a) | 77 | Permanent |
| | Periodic reports, statistics and other records used in compiling annual, long-term or special (narrative or statistical) reports, goals and achievements | 8.[317] (b) | 77 | 1 Year |
| | Affirmative action and related complaint investigation records | 8.[317] (c) | 77 | 3 Years after date of final determination |
| HEALTH AND LIFE INSURANCE RECORDS | For employee with or without dependent survivor | 9.[318] (a) | 78 | 3 Years after termination of employee's or dependent survivor's coverage, whichever is later |
| | Claim for benefits (copy, where original is submitted directly by employee) | 9.[318] (b) | 78 | 1 Year |
| | Health and life insurance coverage reports | 9.[318] (c) | 78 | 6 Years |
| | Declination statement filed by employee | 9.[318] (d) | 78 | 6 Years after separation from service |

⁶ Additional records providing detailed information on training history can be destroyed when no longer needed provided that summary records are retained for the indicated retention period. For retention requirements for specific types of employee training history records, see specific items in the Schedule.

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|---|--|--------------|------|-------------------------------------|
| | | ITEM NUMBER | PAGE | |
| UNEMPLOYMENT INSURANCE RECORDS | Claim filed by employee, when claim is approved | 10.[319] (a) | 78 | 6 Years after final payment |
| | Claim filed by employee, when claim is disqualified | 10.[319] (b) | 78 | 3 Years after filing |
| | Claim payment reports | 10.[319] (c) | 78 | 6 Years |
| LABOR-MANAGEMENT MEETING RECORDS | Minutes and reports | 11.[320] (a) | 78 | Permanent |
| | Meeting agenda, correspondence, and other records | 11.[320] (b) | 78 | 6 Years |
| PUBLIC EMPLOYEE CONTRACT NEGOTIATIONS RECORDS | All documentation in record, except routine correspondence, routine memoranda and drafts | 12.[321] (a) | 78 | Permanent |
| | Routine correspondence, routine memoranda and drafts | 12.[321] (b) | 78 | 1 Year |
| JOB ACTION RECORDS (Documenting strikes, work stoppages, informational picketing and other job actions conducted by local government employees) | All documentation in record, except detailed listings of all employees present at various events and other records lacking substantive information value | 13.[322] | 79 | Permanent |
| | Detailed listings of all employees present at various events, and other records lacking substantive informational value | 13.[322] | 79 | 6 Years |
| PUBLIC EMPLOYEE GRIEVANCE RECORDS | Including but not limited to grievance, investigative records, hearing proceedings, decision rendered by employer, employee appeal, records of arbitration procedure, final decision, and correspondence | 14.[323] | 79 | 3 Years after grievance is resolved |

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|--|--|--------------|------|---|
| | | ITEM NUMBER | PAGE | |
| TOXIC SUBSTANCE EXPOSURE RECORDS | Records of exposure or possible exposure of an employee to a toxic substance or other harmful physical agent, including background data to environmental monitoring or measuring, biological monitoring records which are designated as exposure records, material safety data sheets or chemical inventory records indicating use and identify of a toxic substance or harmful agent, and related records | 16.[325] (a) | 79 | 30 Years |
| | Lists, or material safety data sheets, of toxic substances present in the workplace and of employees who handle those substances | 16.[325] (b) | 80 | 40 Years after superseded or obsolete |
| | Material safety data sheet or fact sheet, providing detailed information on a specific toxic or other substance at workplace, when not used for parts (a) or (b), above, as the list of toxic substances in the workplace or for substances not defined in 29 CFR 1910, Subpart Z as being toxic | 16.[325] (c) | 80 | 3 Years after substance no longer present at workplace |
| | Training records covering training of individual employee in handling toxic substances | 16.[325] (d) | 80 | 3 Years after separation from service |
| | Summary records of toxic substance training, including but not limited to minutes of meetings and training sessions and summary descriptions | 16.[325] (e) | 80 | 3 Years after separation from service of all employees involved |
| LISTING OR ROSTER OF LOCAL GOVERNMENT EMPLOYEES | Including names, addresses, titles and other pertinent information | 18.[327] | 80 | Permanent |
| OATH OF OFFICE OR RECORD OF OFFICIAL SIGNATURE OF PUBLIC EMPLOYEE | Official copy | 19.[328] (a) | 81 | Permanent |
| | Oath of any election official | 19.[328] (b) | 81 | 1 Year after election |

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|---|---|--------------|------|--|
| | | ITEM NUMBER | PAGE | |
| LOG AND SUMMARY OF OCCUPATIONAL INJURIES AND ILLNESSES⁷ | | 20.[329] | 81 | 5 Years |
| EMPLOYEE INJURY RECORD | Covering work-related accident or occupational disease, created pursuant to Section 110, Workers' Compensation Law | 21.[741] | 81 | 18 Years after date of injury or illness |
| EMPLOYEE MEDICAL RECORDS⁸ (Concerning exposure to toxic substances of harmful physical agents) | First aid records of one-time treatment and subsequent observation of minor illnesses and injuries, if made onsite by a non-physician and maintained separately from the employee medical records | 22.[330] (a) | 81 | 3 Years after completion of treatment and subsequent observation |
| | Medical records, other than those in part (a), including medical questionnaires/histories, the results of medical examinations and laboratory tests, medical opinions, diagnoses and recommendations, first aid records, descriptions of treatments and prescriptions, employee medical complaints, and related records, for employee who worked one year or longer | 22.[330] (b) | 81 | 30 Years after termination of employment |
| | Medical records, other than those in part (a), including medical questionnaires/histories, the results of medical examinations and laboratory tests, medical opinions, diagnoses and recommendations, first aid records, descriptions of treatment and prescriptions, employee medical complaints, and related records, for employee who worked less than one year, provided copies were given to the employee upon termination | 22.[330] (c) | 82 | 3 Years after termination of employment |

⁷ If records are intended to also satisfy the legal requirements of Workers' Compensation Law § 110 and no separate employee injury record (item no. 21[741] in this Attachment, *infra*) are created, then these records must be retained for 18 years after date of injury or illness.

⁸ This item does not include health insurance records (*see* item no. 9.[318] in this Attachment, *supra*) or non-medical toxic substance exposure records (*see* item no. 16.[325] in this Attachment, *supra*).

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|--|--|--------------|------|--|
| | | ITEM NUMBER | PAGE | |
| EMPLOYEE MEDICAL RECORDS | Not related to exposure to toxic substances or harmful physical agents | 23.[910] | 82 | 3 years after termination of employment |
| NOTIFICATION OF VACANCY | Vacancy in office or filling of vacant position | 24.[278] | 82 | 0 after position filled or abolished |
| DRIVERS' LICENSE REVIEW RECORDS (For local government officials, employees, or volunteers) | When no action is taken as result of review | 25.[742] (a) | 82 | 0 |
| | When action is taken as result of review | 25.[742] (b) | 82 | 3 Years |
| EMPLOYEE ATTESTATION OF KNOWLEDGE | Of code of ethics, staff policy manual or other official policies or procedures | 26.[743] | 82 | 3 Years after attestation superseded or upon termination of employment |
| DRIVERS' TEST RESULTS AND RELATED RECORDS | Verified positive controlled substance test results or alcohol test results indicating a breath or blood alcohol concentration equal to or greater than 0.02, documentation that individual employee's or job applicant's test was conducted and specimen handled properly, records of dispute of test results by driver, justification for conducting other than random test, records of compliance with Substance Abuse Professional's (SAP's) recommendations, correspondence and related records | 28.[745] (a) | 83 | 5 Years |
| | Negative or canceled controlled substance test result or alcohol test result indicating a breath or blood alcohol concentration less than 0.02 | 28.[745] (b) | 83 | 1 Year |
| | Records relating to an individual employee's or job applicant's refusal to take alcohol or substance abuse test | 28.[745] (c) | 83 | 5 Years |

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|---|--|--------------|------|--|
| | | ITEM NUMBER | PAGE | |
| DOCUMENTATION OF OTHER VIOLATIONS OF ALCOHOL OR SUBSTANCE ABUSE RULES | Including results of alcohol or substance abuse tests administered by law enforcement personnel, copies of police reports and medical records | 29.[746] | 83 | 6 Years after termination of employment |
| EMPLOYMENT ELIGIBILITY VERIFICATION FORM I-9 | Completed by employee and employer for all employees hired after November 6, 1986, verifying that the individual is eligible to work in the United States, including verification documents attached to the form | 31.[911] | 84 | 3 Years from date of hire or 1 Year after employment is terminated, whichever is later |
| EMPLOYEE ASSISTANCE PROGRAM RECORDS | Reports and statistical compilations | 32.[912] (a) | 84 | 6 Years after date of most recent entry |
| | Program (including course and seminar) and literature files | 32.[912] (b) | 84 | 1 Year after program no longer offered or literature superseded or otherwise obsolete |
| | Employee consultation records | 32.[912] (c) | 84 | 3 years after date of most recent entry in record |
| COPY OF PAYROLL OR PAYROLL REPORT⁹ | Submitted to civil service office for certification or approval | 1.[748] | 84 | 0 after superseded |
| OFFICIAL CIVIL SERVICE EMPLOYEE ROSTER CARD | | 2.[749] | 85 | Permanent |
| ESTABLISHING POSITION RECORD (History of each position and names and other pertinent information about persons who occupied it) | If record contains detailed information about the position and persons who occupied it | 3.[331] (a) | 85 | Permanent |
| | If record only provides lists of names of employees | 3.[331] (b) | 85 | 1 Year after final entry in record |

⁹ Official copy of payroll must be retained for 55 years (*see* item no. 1.[291] in this Attachment, *supra*).

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|---|--|-------------|------|---|
| | | ITEM NUMBER | PAGE | |
| REPORT OF PERSONNEL CHANGE ¹⁰ (Including employee transfer record, except copy retained in employee's personnel records) | Copy held by office with official civil service function | 4.[332] (a) | 85 | 0 after termination of employment, but not less than 6 Years |
| | Copy retained by fiscal office, where official civil service copy is maintained by other local government having the official civil service function | 4.[332] (b) | 85 | 6 Years |
| | Employee transfer record | 4.[332] (c) | 85 | 0 after termination of employment, but not less than 6 Years |
| JOB CLASSIFICATION RECORDS | Including job classification questionnaire, analysis of job duties and request for reclassification | 5.[333] | 85 | 1 Year after subsequent classification action completed, but not less than 10 Years |
| OFFICIAL COPY OF JOB POSTING AND POSITION DUTIES STATEMENT | When duties of position are described in detail | 6.[334] (a) | 86 | Permanent |
| | When duties of position are not described in detail | 6.[334] (b) | 86 | 6 Years |
| PERSONNEL REQUISITION MADE TO CIVIL SERVICE OR PERSONNEL OFFICE | Requesting that vacancy be filled | 7.[335] | 86 | 0 after obsolete |
| CIVIL SERVICE ELIGIBLE LIST RECORDS | Official eligible list and certification of eligible list | 8.[336] (a) | 86 | 20 Years after expiration of eligible list |
| | Certification of eligible list sent to and retained by appointing authority | 8.[336] (b) | 86 | 3 Years after expiration of eligible list |
| | Request for certification of eligible list | 8.[336] (c) | 86 | 1 Year after expiration of eligible list, but not less than 3 Years |
| | Individual's request for reinstatement to eligible list and reply | 8.[336] (d) | 86 | |
| | Eligible list canvass records, including but not limited to precanvass questionnaire and letter of canvass and reply | 8.[336] (e) | 86 | 6 Months after expiration of eligible list, but not less than 3 Years |
| | Military record of applicant, when applicant was not hired | 8.[336] (f) | 86 | 3 Years after expiration of eligible list |

¹⁰ When reports of personnel changes are filed in an employee personnel record, such copies are subject to the longer retention period of employee personnel records (*see* item no. 1.[310] in this Attachment, *supra*).

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|--|---|--------------|------|---|
| | | ITEM NUMBER | PAGE | |
| APPLICATION FOR EMPLOYMENT INCLUDING RESUME | When applicant is not hired | 9.[337] | 86 | 3 Years |
| | When applicant is hired | 9.[337] | 87 | Application retained in or as long as the personnel file (<i>see</i> item no. 310 in this Attachment, <i>supra</i>) |
| RECRUITMENT, HIRING, INTERVIEW AND SELECTION RECORDS | Including but not limited to correspondence, reports, selection criteria, interview notes, background check records, rating and ranking forms, evaluations and other records pertaining to the hiring, promotion, demotion, transfer, layoff and termination of employees | 10.[750] | 87 | 3 Years after completion of personnel action |
| APPLICATION FOR EXAMINATION | When eligible list is established | 11.[751] (a) | 87 | 3 Years after expiration of eligible list |
| | When no eligible list is established | 11.[751] (b) | 87 | 3 Years after examination date |
| | Supplemental documentation filed in conjunction with application, including but not limited to student loan statement, credentials and copies of transcripts | 11.[751] (c) | 87 | 1 Year |
| CIVIL SERVICE EXAMINATION RECORDS AND APPOINTMENT REVIEW RECORDS | Civil service examination and announcement (official copy) | 12.[339] (a) | 87 | Permanent |
| | Civil service examination and announcement (other than official copy) | 12.[339] (b) | 87 | 0 after no longer needed |
| | Candidate identification of admission card | 12.[339] (c) | 87 | 3 Years after date of examination |
| | Examination preparation, administration, and rating records | 12.[339] (d) | 87 | 5 Years after date of examination |
| | Veteran credit records | 12.[339] (e) | 87 | 50 Years |
| | Qualifying medical, physical fitness or agility examination report, when person is hired, and worked one year or longer | 12.[339] (f) | 88 | 30 Years after termination of employment |

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|---|--|--------------|------|--|
| | | ITEM NUMBER | PAGE | |
| CIVIL SERVICE EXAMINATION RECORDS AND APPOINTMENT REVIEW RECORDS | Qualifying medical, physical fitness or agility examination report, when person is hired, and worked less than one year, provided copies were given to the employee upon termination of employment | 12.[339] (g) | 88 | 3 years after termination of employment |
| | Qualifying medical, physical fitness or agility examination report, when person is not hired | 12.[339] (h) | 88 | 3 Years after date of examination |
| | Summary listing of examination results | 12.[339] (i) | 88 | 1 Year after date of examination |
| | Notification of examination results mailed to candidate | 12.[339] (j) | 88 | 3 Years |
| | Examination review records including but not limited to employee request, correspondence, and objection | 12.[339] (k) | 88 | 3 Years after expiration of eligible list |
| | Appointment review records, documenting review of applicant qualifications for non-competitive, temporary or other positions not requirement examinations | 12.[339] (l) | 88 | 5 Years |
| SENIORITY LIST RANKING EMPLOYEES BY LENGTH OF SERVICE | | 13.[338] | 88 | 3 Years after superseded or obsolete |
| DISCLOSURES RELATED TO STUDENT LOAN STATUS | Received as part of civil service examination application, transmitted to New York State Higher Education Services Corporation, along with transmittal documents | 14.[752] | 88 | 1 Year |
| LOCAL GOVERNMENT REQUESTS TO STATE CIVIL SERVICE COMMISSION | For approval of changes in policies or jurisdictional classifications | 15.[753] | 88 | 3 Years after date of last entry in record |

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|--|--|-------------|------|---|
| | | ITEM NUMBER | PAGE | |
| EMERGENCY MEDICAL TRAINING RECORDS (Covering local government employees who receive training) | Application for training or certification filed by individual | 3.[441] (a) | 134 | 6 Months |
| | Original entry training records, when posted to summary record | 3.[441] (b) | 134 | 1 Year |
| | Original entry training records, when not posted to summary record | 3.[441] (c) | 134 | 7 Years |
| | Summary record of training | 3.[441] (d) | 134 | 7 Years |
| | Course materials, except final or annual reports | 3.[441] (e) | 134 | 7 Years after course completed |
| EMERGENCY MEDICAL TRAINING RECORDS (Covering local governments which are course sponsors, including but not limited to information on individuals, course files, and information on instructors) | Information on individuals and course files | 4.[809] (a) | 134 | 5 years |
| | Information on instructors | 4.[809] (b) | 134 | 5 Years after working association of each instructor ceases |

Subject Index and Cross Reference with the Schedule (Attachment I)

Note: Page numbers of this Attachment are in bold type. Page numbers of the Schedule, Attachment I, are in italics. Item numbers are bracketed, and arranged numerically by their appearance in the Schedule.

- Accidents and injuries
 - public employees, **10** / 81 [329, 741]
- Affirmative action, **7** / 77 [317c]
- Applications. *See also* Approvals; Certificates and certification;
 - Licensing; Permits
 - civil service, **14** / 86 [337, 751]
 - employment, **6** / 76 [310]
 - training courses, **2** / 9 [585]
- Arbitration, employee grievances, **8** / 79 [323]
- Attendance
 - employee, **3** / 64 [296]
- Audits
 - payroll, **3** / 64 [292a]
- Certificates and certification
 - civil service eligibility, **13** / 86 [336]
 - emergency medical services, **16** / 134 [441]
- Civil service. *See also* Personnel records
 - approvals, **15** / 88 [753]
 - certification, **13** / 86 [336]
 - eligibility, **13** / 86 [336]
 - employees, **12** / 85 [749, 331]
 - examinations, **6** / 76 [310], **14** / 87 [339], **15** / 88 [752]
 - hiring, **14** / 86-87 [337, 750]
 - job classification, **13** / 85 [333]
 - payroll report, **12** / 84 [748]
 - seniority list, **15** / 88 [338]
 - vacancies, **13** / 86 [334-335]
- Claims
 - workers' compensation, **6** / 70 [247]
- Code of ethics, employee attestations, **11** / 82 [743]
- Complaints
 - affirmative action, **7** / 77 [317c]
- Contract negotiations, public employees, **8** / 78 [321]
- Direct deposit records, **5** / 66 [722]
- Drivers' licenses, government employees, **11** / 82 [742]
- Earnings record, **4** / 65 [301]
- Emergency medical services, **16** / 134 [441, 809]
- Employees. *See also* Civil service; Personnel records
 - applications for training, **2** / 9 [585]
 - assistance program, **12** / 84 [912]
 - attestations, **11** / 82 [743]
 - voluntary payroll deduction request form, **4** / 65 [299]
- Employment. *See also* Personnel records
 - civil service, **14** / 86-87 [337, 750]
- Employment Eligibility Verification Form I-9, **12** / 84 [911]
- Equal employment opportunity, **7** / 77 [317]
- Examinations, civil service, **14** / 87 [751, 339]
- Fiscal records
 - payroll, **2-5** / 63-66 [291-309, 722-723]
- Grievances. *See also* Complaints
 - employees, **8** / 79 [323]
- I-9 Employment Eligibility Verification Form, **12** / 84 [911]
- Identification cards, **7** / 77 [316]
- Identification records
 - civil service, **14** / 87 [339]
 - employees, **7** / 77 [316]
- Illnesses, government employees, **10-11** / 81-82 [329, 741, 330, 910]
- Insurance
 - employee benefits, **7-8** / 77-78 [318-319]
 - unemployment, **8** / 78 [319]

Inventories

chemicals and hazardous substances, **9** / 79 [325a]

Job actions, **8** / 79 [322]

Job classification

civil service, **13** / 85 [333]

Job postings, **13** / 86 [334-335]

Labor costs classification, **3** / 64 [293]

Labor management meetings, **8** / 78 [320]

Lists and registers

civil service seniority, **15** / 88 [338]

government employees, **9** / 80 [327]

job action participants, **8** / 79 [322]

Loans

student loan disclosures, **15** / 88 [752]

Material safety data sheets, **9** / 79-80 [325a-c]

Medical records

alcohol or substance abuse, **12** / 83 [746]

government employees, **10** / 81 [330], **11** / 82 [910]

Medical reports

civil service examinations, **14** / 87 [339f-h]

Military service

civil service, **13** / 86 [336]

Motor vehicles

government employees, **11** / 82 [742]

New York State Civil Service Commission,
approvals, **15** / 88 [753]

New York State Employees' Retirement System
payroll reports, **5** / 65 [305]

OAR-S30 form, **4** / 65 [304]

Occupational illnesses and injuries, **9-10** / 79 [325], **81** [329, 741, 330]

Official signatures

government employees, **9** / 81 [328]

Overtime, **3** / 64 [297]

Payment recoupment, **2** / 62 [719]

Payroll, **4** / 65 [299], **2-5** / 63-66 [291-309, 722-723]

Payroll report, **12** / civil service, **84** [748]

PERB fact-finding reports, **8** / 78 [321]

Personnel records. *See also* Civil service; Training
change, **332** / 85 [332]

contract negotiations, **8** / 78 [321]

disciplinary records, **6** / 76 [311]

education and training, **7** / 77 [314]

employee attestations, **11** / 82 [743]

employee benefits, **7-8** / 78 [318-319]

employment eligibility verification, **12** / 84 [911]

equal employment opportunity, **7** / 77 [317]

general administrative, **6** / 76 [310, 312], **11** / 82 [278]

grievances and job actions, **8** / 79 [322-323]

identification cards, **7** / 77 [316]

medical records, **10** / 81 [330], **11** / 82 [910]

motor vehicle operation, **11** / 82 [742]

oaths and signatures, **9** / 81 [328]

rosters, **9** / 80 [327]

workplace safety, **10** / 81 [329-330]

Public hearings

employee grievances, **8** / 79 [323]

disciplinary actions, **6** / 76 [311]

Recruitment, civil service, **14** / 87 [750]

Requests

donation of sick and vacation leave, **3** / 64 [297]

overtime, **3** / 64 [297]

Retirement

payroll, **2-3** / 63-64 [291-92]

pension system reports, **5** / 65 [305]

salary verification, **2** / 63 [291]

Retirement system

employee declaration of intention, **5** / 66 [723]

Salary schedules, contract negotiations, **8** / 78 [321]

Social Security

employee declaration of intent, **4** / 65 [302]

payroll, **2-3** / 63-64 [291-92]

salary verification, **2** / 63 [291]

wage reports, **4** / 65 [303]

Strikes, employees, **8** / 79 [322]

Students

loan status, **15** / 88 [752]

Substance Abuse Professional's records, **11** / 83 [745]

Taxes. *See also* Payroll

federal and state tax documents, **4-5** / 65-66 [304, 306-309]

Termination records

civil service employment, **14** / 87 [750]

government employment, **6** / 76 [310-311]

Time cards, sheets and books, **3** / 64 [295], **6** / 76 [312]

Toxic substances

exposure, **8** / 79-80 [325]

training, **8** / 80 [325d-e]

Training

emergency medical services, **16** / 134 [441, 809]

government employees, **7** / 77 [314]

toxic substances, **8** / 80 [325d-e]

Unemployment insurance, **8** / 78 [319]

Vacancies

civil service, **13** / [334-335]

government employment, **11** / 82 [278]

Vacation, **6** / 76 [312]. *See also* Personnel records

Veterans

civil service examinations, **14** / 87 [751]

Violations

alcohol or substance abuse, **12** / 83 [746]

job actions, **8** / 79 [322]

Work stoppage, **8** / 79 [322]

Workers' compensation, **6** / 70 [247-248]

ATTACHMENT VI

SUMMARY OF RECORD RETENTION REQUIREMENTS FOR RECORDS RELATED TO MEETINGS, HEARINGS, AND COMMITTEE PROCEEDINGS¹

¹ Although this Attachment provides a summary of the record retention requirements for records related to meetings that may be conducted throughout the Corporation, it is not intended to replace the Schedule. Rather, it should be used in combination with the Schedule (*see* Attachment I of this OP, *supra*). Additionally, once the retention period expires for any Record listed herein, said Record must be appraised for archival, historical or other research value prior to disposition. Further, the restrictions, limitations, requirements, procedures, and instructions set forth in this OP including, without limitation, §§ XVI [Records Not Covered By HHC's Record Retention Schedule], XXIII [Preservation of Records and Suspension of Routine Record Destruction Procedures for Litigation and Investigatory Purposes], XXIV [Records Created Before 1910], XXVII [Destruction of Records that Have Met Retention Requirements], XXVIII [Records Disposal Procedure], XXIX [Instructions for Completing the HHC Application and Authorization for Records Disposal (HHC 2845 (05/15)) Form], XXX [Historically Significant/Archival Records], and XXXVI [Applicable Law Prevails], *supra*, must be followed prior to the disposition of any Record found in this summary that has met the required period of retention.

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|---|---|--------------|-------------------|--|
| | | ITEM NUMBER | PAGE ² | |
| OFFICIAL MINUTES AND HEARING PROCEEDINGS | Of governing body or board, commission or committee thereof including all records accepted as part of minutes | 1.[1] | 1 | Permanent |
| RECORDING OF VOICE CONVERSATIONS (Including audio tape, videotape, stenotype or stenographer's notebook and also including verbatim minutes used to procedure official minutes and hearing proceedings, report , or other record) | Recording of public or other meeting of governing body or board, committee or commission thereof | 2.[2] (a) | 1 | 4 Months after transcription and/or approval of minutes or proceedings |
| | Other recordings | 2.[2] (b) | 1 | 0 after no longer needed |
| MEETING FILES FOR MEETING OF GOVERNING BODY OR BOARD OR AGENCY, COMMISSION OR COMMITTEE THEREOF | Including agendas, background materials and other records used at meetings | 3.[3] | 1 | 1 Year |
| LABOR-MANAGEMENT MEETING RECORDS (Including minutes of meeting, agenda, reports, and correspondence) | Minutes and reports | 11.[320] (a) | 78 | Permanent |
| | Meeting agenda, correspondence, and other records | 11.[320] (b) | 78 | 6 Years |

² Page numbers reference the corresponding pages in Attachment I, the New York City Health and Hospitals Records Retention and Disposal Schedule, *supra*.

| RECORD | DESCRIPTION | SCHEDULE | | RETENTION PERIOD |
|----------------------------|---|-------------|------|------------------|
| | | ITEM NUMBER | PAGE | |
| FACILITY COMMITTEE RECORDS | Minutes of medical staff committees, including but not limited to utilization review committee, joint conference committee or patient care conference | 2.[367] (a) | 93 | Permanent |
| | Records of medical staff committees, excluding minutes, including but not limited to agenda, worksheets and notes | 2.[367] (b) | 93 | 6 Years |
| | Minutes and all other records of facility committee other than medical staff committees, such as dietary services committee or activities committee | 2.[367] (c) | 93 | 6 Years |