

STATE OF ALASKA



COMMISSIONER GENERAL ADMINISTRATIVE RECORDS RETENTION AND DISPOSITION SCHEDULE

Schedule #200.2

Department of Education & Early Development
Division of Libraries, Archives & Museums
Alaska State Archives/Records & Information
Management Service (ASA/RIMS)
141 Willoughby Avenue
Juneau, Alaska 99811-0525

http://www.archives.alaska.gov/records_management/records_management.html

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**Commissioner General Administrative Records Retention and Disposition Schedule
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Introduction**

INTRODUCTION

The purpose of the *Commissioner General Administrative Records Retention and Disposition Schedule #200.2* is to list and describe common records series that Offices of the Commissioner administer. It also prescribes mandatory retention periods for those records. These records include paper documents, scanned images, magnetic tape, microfiche, microfilm, flash drives maps; the following types of disks: magnetic, compact, floppy, digital video/versatile; and, all other recorded information, regardless of medium or characteristics as defined in AS 40.21.150(6). Office of Commissioner staff should also refer to the *General Administrative Records Retention and Disposition Schedule (GARRDS)* for guidance.

Records and their proper maintenance are a matter of law and fact. Alaska Statute 40.21 (*Management & Preservation of Public Records*) and 4 AAC 59 (*Archives & Records Management Services*) provides the necessary legal framework for the administration of the State of Alaska's records. As records constitute a risk that must be managed properly to minimize the liability to the State, Alaska has established a State Archives and a Records & Information Management Service within the Division of Libraries, Archives & Museums to assist state agencies in mitigating this risk.

4 AAC 59.020(c) requires agencies to follow general records retention schedules that the State Archives and Records & Information Management Service establishes. These general schedules enable offices to further comply with AS 40.21.060(2), which mandates each agency Chief Executive Officer to establish and maintain an active, continuing program for the efficient management of its records and to apply the provisions of approved records retention and disposition schedules to ensure the orderly disposition of state records.

An approved records retention schedule is the legal authority to dispose of records under 4 AAC 59.015 & .020. Records not identified on an approved records retention schedule may not be destroyed without authorization from the Attorney General, Commissioner of Administration, State Archivist and Chief Executive Officer of the agency (4 AAC 59.025).

Under the provisions of 4 AAC 59.020, the retention periods for records listed in *Commissioner General Administrative Records Retention Schedule #200.2* are approved for retention and disposition as indicated.

All records are non-confidential unless identified and cited otherwise (e.g. confidential, classified, sensitive, privileged) by the Commissioner, *Alaska Statutes, Alaska Administrative Code*, or Attorney General's Office.

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Authorization and Approval**

AUTHORIZATION AND APPROVAL			
Under the authority of AS 40.21 and 4 AAC 59, the records listed on the <i>Commissioner General Administrative Records Retention and Disposition Schedule #200.2</i> are approved for retention and disposition as indicated.			
/for/ Commissioner of Administration	Date	/for/ Attorney General	Date
Scot Arehart*		Alan Birnbaum*	
State Archivist	Date	State Records Manager	Date
Dean Dawson*		Gordon E. Brown*	

* Original Signatures held on file

**Commissioner General Administrative Records Retention and Disposition Schedule
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General Information and Instructions**

GENERAL INFORMATION AND INSTRUCTIONS

Benefits of Using This Schedule

- Retrieve correct information quickly
- Reduces volume of records stored in paper-based and electronic systems
- Identify & protect vital and confidential records
- Improves customer relations, accountability of public funds, and operational efficiency
- Reduce liability risk by complying with applicable laws, rules, and regulations

Disposition of State Records – General Rule

All Office of the Commissioner shall follow the timeframes for retaining common records series listed in this schedule, the General Administrative Records Retention and Disposition Schedule (GARRDS) or agency specific records retention and disposition schedule. Offices that dispose of unscheduled records must dispose of them in accordance with 4 AAC 59.025. Whenever a state-approved records contractor or vendor performs destruction services for scheduled, unscheduled, or confidential records (e.g. records that contain personally identifiable information), the agency must complete a *Records Disposition Authorization* form. The Division Director, appropriate Records Officer and State Archivist must sign this document to authorize destruction. Duplicate copies of documents may be disposed after all administrative need is met; or, according to the retention period shown within this schedule, the GARRDS or agency records retention and disposition schedule.

Caution: Do not dispose of a state record whose retention period has expired if you become aware of a public information request under 2 AAC 96; or, there is a pending, initiated, actual, or ongoing litigation, claim, negotiation, audit, administrative review, or other action regarding the record. You may destroy the record when there is completion of the action and all issues that arise from it have been resolved, provided that the Commissioner and Office of the Attorney General have authorized you to do so.

The General Schedule and Electronic Records

The Commissioner General Administrative Records Retention and Disposition Schedule applies to records regardless of their physical format. Therefore, records created or maintained as the **Official Record Copy** in electronic format must be retained in accordance with the retention requirements mandated on this schedule.

Electronic Mail (Email) Overview

Emails are created, received, and transmitted on an email system and are subject to the same records retention requirements as other records. If feasible, for state business,

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use only the State email system; if a personal email account is used, send a copy of the message to your state account. Never send personally identifiable information (PII) as defined in AS 45.48.590(4) to or from a private email account.

State business emails must be treated, including being archived, the same as other state records. The *Email Archiving Policy* is derived from the state's records retention requirements and is available at the *Records & Information Management Service homepage* found at: www.archives.state.ak.us/for_state_agencies/for_state_agencies.html

Email General Rules

Records include emails. Emails that constitute *Records* as defined above in AS 40.21.150(4; 6) or *Public Record* in AS 40.25.220(3), including attachments that are transmitted with the email, are subject to the GARRS and individual agency records retention schedules. The duration an email must be retained depends upon its content. Record email, which also may include text and instant messages (text messages in real-time), shall be retained for the same period of time as the records series that most closely matches the subject matter contained within the email. If there is no entry that resembles or matches the subject matter of the email, the agency retention schedule must be updated to include the entry as a separate records series.

Official Record Copy Email

Email that is the *Official Record Copy* shall be archived in the applicable retention folder within the *Enterprise Email Archive System* [or other system approved by the State Archivist]. If the email is printed out or captured elsewhere (e.g. within an electronic record keeping system) there is no need to archive within the email system, as long as there are no legal holds on the email.

Non-Record Email

Email, attachments, text and instant messages that are not *Records* as defined under AS 40.21.150(4; 6) or *Public Records* in AS 40.25.220(3) may be destroyed immediately. Personal messages constitute non-records as they are not "accounts" or "writings" "developed or received by a public agency," and are not "preserved for their informational value or as evidence of the organization or operation of the public agency" under AS 40.25.110. Duplicates are also excluded as records if they contain no different, meaningful markings, including only different metadata.

Other General Email Rules

If multiple retention periods apply to an email, archive it for the longest period. If no exact archive folder exists, archive the email in the next longest folder. Archive email from or to state contractors the same as emails from or to any other non-state persons. Only the last email in an email string needs to be archived if you are certain the email

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string is complete and unmodified. If an archived email is sent, the sent email is a new email for archiving purposes.

Finally, the wrongful, even accidental, loss of record emails can cause the state substantial costs. Disciplinary actions under the *Email Policy* include dismissal.

Legal Holds

A legal hold is a Department of Law (DOL) directive that all records - including personal emails - regarding certain subjects be saved regardless of any records retention schedule. A legal hold may be issued in response to:

- Anticipated or ongoing administrative or judicial litigation or arbitration
- A received Alaska Public Records Act request
- An audit or other investigation

After receiving a legal hold notice, delete and archive email as normal; deleted email will be retained by the email system, but not in your Inbox, Sent Items Folder, or Archive Folders.

The legal hold continues until the agency receives written notice that it was lifted. In the absence of a legal hold archive all emails that are relevant to anticipated or ongoing litigation, a received *Public Records Act* request, or an audit or other investigation should be archived according to the retention period stated in the GARRDS or in an agency records retention schedule. If a basis for a legal hold exists, immediately contact the DOL.

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Definitions**

DEFINITIONS

Definition of Record

AS 40.21.150(6) defines *Record* to mean "any document, paper, book, letter, drawing, map, plat, photo, photographic file, motion picture film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card, electronic record, or other document of any other material, regardless of physical form or characteristic, developed or received under law or in connection with the transaction of official business and preserved or appropriate for preservation by an agency or a political subdivision, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the state or political subdivision or because of the informational value in them."

Definition of Public Record

AS 40.25.220(3) defines *Public Record* to mean "books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by a public agency, or by a private contractor for a public agency, and that are preserved for their information value or as evidence of the organization or operation of the public agency: public records does not include proprietary software programs."

Definition of Electronic Record

AS 40.21.150(4) defines *Electronic Record* to mean "any information that is recorded in machine readable form." Refer to 4 AAC 59.005 regarding additional requirements for the retention and preservation of electronic records.

Definition of Official Record Copy

The Official Record Copy refers to the copy of the record that must be retained by the State to fulfill all its legal responsibilities and must be retained for the total retention period stated.

Definition of Duplicates

Duplicates records are all other copies of a record not considered to be the Official Record Copy. In essence this means that if your agency does not hold the Official Record Copy, you hold a duplicate copy and must retain this duplicate for the prescribed period of time.

If you hold the Official Record Copy, you may also have duplicates e.g. you may hold more than one copy of a record for convenience or a copy without different meaningful markings. Only one copy of the record should be retained according to the prescribed retention period and all duplicates should be retained for the period prescribed for them.

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1. Commissioner Records

Prev. Item No.	Item No.	Records Series Title & Description	Retention & Disposition	Remarks
1	1.1 1.1.1 1.1.2	<p>Reading Files</p> <p>Commissioner, Deputy/Assistant, Special Assistant</p> <p>All other Commissioner Staff</p> <p>Copies of outgoing letters, memoranda, and messages. Maintained as a discrete records series, often electronically, these files are used for various administrative purposes.</p> <p>Arranged chronologically.</p>	<p>Retain Permanently*</p> <p>Retain 3 years then destroy</p>	<p>* = Transfer to the State Archives every 3-5 years.</p> <p>Often copied to Program Administration and/or Special Project Files.</p>
2	1.2	<p>General Correspondence and Central Files</p> <p>This records series consists of original incoming and copies of outgoing letters and memoranda related to the substantive functions for which the department is statutorily responsible. These files are often arranged topically according to a file classification system.</p> <p>Includes the following types of correspondence: intra/inter-departmental, legislative, executive, federal, professional association, steering committee, Native organization, local government, school district, and public. Also may consist of conference/training materials, organizational charts, delegations of authority, studies etc...</p>	<p>Retain Permanently*</p>	<p>* = Transfer to the State Archives every 3-5 years.</p> <p>Transfer copy of file classification system or taxonomy with each shipment to the State Archives.</p> <p>Records transferred for permanent retention will be weeded.</p>

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1. Commissioner Records

Prev. Item No.	Item No.	Records Series Title & Description	Retention & Disposition	Remarks
3	1.3	<p>Special Projects</p> <p>Includes the following information related to special projects and issues of a Department: goals, objectives, Gantt Charts/other schedules, project management, task assignment, tracking, resource allocation data, and correspondence.</p>	Retain Permanently*	<p>* = Transfer to the State Archives after project closeout.</p> <p>Records transferred for permanent retention will be weeded.</p>
21	1.4	<p>Department History Files</p> <p>These records document function, organizational structure, history, activities and accomplishments of a department. Includes: media releases, public information files, photographs (digital, prints, negatives), videotapes/discs, scrapbooks, clipping files, audio tapes/cd's, speeches by program manager, written histories, strategic plans, monographs, and other publications (brochures/leaflets/pamphlets) related to the statutory functions for which the department is responsible.</p>	Retain Permanently*	<p>* = Recommend review/transfer to the State Archives once administrative need is met.</p> <p>These records possess long-term research value and document department activities and accomplishments.</p>

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2. Hearing Officer

Prev. Item No.	Item No.	Records Series Title & Description	Retention & Disposition	Remarks
30	2.1	<p>Litigation, Adjudicatory, and Administrative Hearing Case Files</p> <p>This series documents formal hearings conducted by the Departmental or independent Hearing Officers and may include: accusation or statement of issues, hearing requests by a respondent, pleadings, notices, orders, Department response, transcripts, exhibits, written evidence, investigator's request for warrants, copies of warrants, final decisions, stipulated settlements, appeals, correspondence, and other notes/materials.</p>	C+6 years then destroy.	<p>C = Until case is closed.</p> <p>Certain investigative materials may be confidential.</p> <p>Departments may transfer case files to a records center if necessary.</p>
31	2.2	<p>Complaint and Investigation Case Files (Not Prosecuted or Adjudicated)</p> <p>These case files include all documentation of complaints and subsequent investigation.</p>	C+5 years then destroy.	<p>C = Until case is closed.</p> <p>Certain investigative materials may be confidential.</p>

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