

Records Management for Municipal Governments

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Records Management for Municipal Governments	4
Reasons for Records Management	4
Legal Issues	5
Laws that Require Records to be Kept	5
Tennessee Public Records Statutes	6
Which Records are Subject to Public Access?	9
Basic Steps in Records Management Process	13
Evaluate Current Records System	13
Develop RDAs	15
Develop Written Policies and Procedures	16
Continuing Maintenance	16
Establishing a Records Management Program	17
Types of Records	19
Working Papers	19
Temporary Records	19
Permanent Records	20
Retention Schedules	20
Animal Control	21
Cemeteries (City-Owned)	22
Court Records	23
Election Records.....	28
Engineering	28
Finance Records.....	30
Fire Records	35
Fleet Services	37
General Administration	37
Permits Records	43
Personnel	44
Planning and Zoning Schedule.....	54
Police Records Schedule.....	55
Property Tax Records.....	59
Purchasing Records.....	61
Recreation and Parks	62
School Records.....	63
Solid Waste Records	72
Utilities (Billing and Collection)	74
Utilities (Operation and Maintenance)	76
Utilities (Wastewater and Water)	77
Disposing of Certain Records	78
Audits	78
Exhibits and Evidence in Court Cases	78
City Hospital and Other Health Records	79
Proper Storage Conditions	80
Records Centers	80
Establishing Archives	81
Alternative Storage Formats	83
Electronic Records	83
Data Migration	84
Microfilm	86
State Microfilming Program	86
Technical Guidelines	86
Disaster Preparedness	87
Contingency Plans	87

Table of Contents

Vital Records Protection	88
Public Record Forms	90
Records Inventory Worksheet	90
Records Disposition Request and Authorization Form	91
Sample Certificate of Records Disposal	92
Amendments to the Federal Rules of Civil Procedure	92

Records Management for Municipal Governments

Reference Number: MTAS-458

Records management is often an overlooked issue in both public and private sector offices; however, this task is becoming more vital every day. In this information age, everyone, from the average citizen to the largest corporation or government, must find a way to preserve, manage, store and organize their records. Whether your city has a population of 1,500 or 650,000, it is necessary to keep accurate wage and hour records on employees and have a comprehensive system for tracking documents. Good managers will expend significant time and effort in planning and making decisions about their labor force and their facilities, but few take the time to think about their records. The records of an office are often as essential to its operation as its employees, facilities and equipment. New employees can be hired and trained to replace those who leave; new office space and equipment can be leased or purchased to replace anything that is lost, even in cases of the worst disasters. If your records are lost or destroyed, however, there is nowhere to go to purchase replacements, and they often cannot be recreated.

For certain city officials, such as the city recorder, record keeping is one of the most important duties and purposes of the office. For others, such as employees of a police department, record keeping is incidental to the fundamental purpose of the job, which is law enforcement. Nevertheless, these offices still must comply with federal and state statutes that require accurate records regarding personnel, finances and other aspects of the office. Good records management practices will benefit both types of offices.

The items listed below will give you a complete guide to Records Management for Municipal Governments.

Reasons for Records Management

Reference Number: MTAS-459

Proper records management not only conveys organizational and management benefits to an office, but also, for local government offices, it is a vital task, necessary for fulfilling important legal requirements and duties.

Space

In many cities, finding sufficient space for records is a real problem. It is rare for a city department to have all the space it needs. Most local officials would complain that the necessary records of the office are rapidly filling up all available space. City halls are overfilled with old and archived records, often found stuffed into basements, storage closets and attics. For this reason alone, it is important and cost effective for a city to implement a records management program.

Records Serve as a Legal Foundation

In a society of laws, both local governments and the citizens they serve are dependent upon good documentation to define their legal status. Court orders, tax records, and minutes of city council meetings are just a few examples of important documents that create relationships, establish rights and liabilities, and authorize certain actions. When disputes arise over legal issues, it is important to have good documentation on which to rely. Local governments have an important responsibility to preserve these records. Proper records management will ensure that these records are preserved and can be found when needed.

Open Records Requirements

Since government records generally are open to public inspection, the task of managing records becomes even more important and more complicated. The principle of allowing public access to government records, combined with the so-called Sunshine Law, which requires open meetings, is considered an important check on government and an important defense against corruption in public office and mismanagement of public resources. Unless there is a specific statutory exemption that makes a record confidential, the public has the right to inspect and copy the records of government agencies. Not only must you, as a municipal official, preserve and keep records, you must allow public access to these records for inspection. Unless your records are well organized and well protected, you

may not be able to comply with public requests for information. This can undermine public confidence in government and hinder your city's relationship with the citizens it serves.

Historical Preservation of Documents

Cities play a vital role in preserving our nation's history. The documents and records of local governments give us insights into the lives of our ancestors and the circumstances of their times. Cities with too many records and too little space for them routinely end up placing them wherever they can. In many cases, these storage areas don't adequately protect records from the elements. Heat, moisture, mildew, insects and vermin can quickly render records useless. Your municipality and its citizens may be losing important information as well as a part of the community's heritage. With proper records management, the important records are preserved; the less essential records are destroyed when no longer useful so they do not take up valuable space; the records are cataloged and organized so that officials and the public can access them; and records are stored under proper conditions to enable long-term preservation.

Legal Issues

Reference Number: MTAS-462

City governments and all the secondary offices, boards, committees and commissions of a city are creations of the law. They find their origin in either the Tennessee Constitution or statutory law. It is a long-established principle in Tennessee law that municipalities can do only those things that the law authorizes them to do.^[1] Therefore, it is vitally important to any operation of city government to know what the laws are that authorize the city to perform a function and to know what the laws are that place limitations around that authority. There are laws that require cities and all local governments to keep records and laws that govern how a city manages its records. Both of these topics are examined in this section.

^[1] *Barnes v. City of Dayton*, 216 Tenn. 400, 392 S.W.2d 813 (1965)

Laws that Require Records to be Kept

Reference Number: MTAS-463

Not every record in a government office has a corresponding statute or regulation requiring that it be kept. Many records are generated simply in the ordinary course of business without any formal legal authority mandating their creation. But creating and preserving certain other records are required by specific laws. Since these laws affecting individual records are referenced in the retention schedules at the end of this manual, this chapter discusses the sources of those laws more generally.

Federal Laws and Regulations

Municipal officials should be aware that federal laws and regulations require them to keep certain records. This is particularly true of payroll information and other employment-related records. Most of the laws regarding how we hire, fire, compensate and treat employees are generated at the federal level. The Family and Medical Leave Act, the Fair Labor Standards Act, and the Occupational Safety and Health Act are just a few of the acts that place certain burdens on employers to keep records regarding their employees. These statutes also generate another layer of federal regulations that govern the implementation and enforcement of the acts. In addition to personnel issues, federal laws and regulations also touch topics as diverse as student records and wastewater management. Laws passed by the U.S. Congress are codified in the United States Code (U.S.C. or U.S.C.A. for United States Code Annotated). The massive amounts of rules and regulations generated by the different federal agencies are found primarily in the Code of Federal Regulations (C.F.R.).

State Laws and Regulations

Since municipal governments are instrumentalities of the state, some of the laws addressing what records must be kept by city offices and how those records should be managed are found in the Tennessee Code Annotated (T.C.A.). As with the federal government, the state of Tennessee also has a set of rules and regulations promulgated by state agencies, boards and commissions, which are

published by the secretary of state and known as the Official Compilation — Rules and Regulations of the State of Tennessee.

The duties of many city officials are set forth in Title 8 and in the general law charters in Title 6 of the T.C.A. Other duties and responsibilities are found in private act charters. For many offices, there are requirements included in the duties of the office to keep and preserve specific types of records. Certain city officers and employees, such as the city recorder, human resources manager and court clerk have a major record-keeping function. The proper and efficient performance of these duties is necessary not only for the continued operation of the city government, but also for the preservation of order in our society. Even offices without a primary record-keeping function are required to keep records.

Even though city officials may change with every election, the offices themselves must maintain a level of continuity. To ensure this, the responsibility for keeping and turning over the records of city offices was specifically addressed in the statutes requiring officials to be bonded. Part of what is insured by the bond of an official is the fulfillment of a duty to "... faithfully and safely keep all records required in such principal's official capacity, and at the expiration of the term, or in the case of resignation or removal from office, ... turn over to the successor all records and property which have come into such principal's hands...."^[1] Failure to do so can result in recovery against the insurance company or sureties on the bond who may, in turn, proceed against the official in his or her individual capacity for subrogation of the claim.

Basic Record-Keeping Statutes

State laws regarding record keeping are found primarily in Title 10, Chapter 7 of the T.C.A. Parts 1 and 2 of that chapter contain a number of statutes governing preserving, transcribing and indexing records, while Part 7 pertains specifically to municipal records and retention schedules.

The State Public Records Commission

Part 3 of Chapter 7 of the T.C.A., Title 10, establishes the State Public Records Commission and designates the Records Management Division of the Department of General Services as the primary records manager for all state government records.^[2] Currently, these entities do not take jurisdiction over local government records, but they can be looked to for examples of proper records management and preservation.

Public Access

The Freedom of Information Act (FOIA)^[3] was passed by Congress in 1966 and amended in 1974. FOIA creates procedures that allow members of the public to obtain the records of federal government agencies.^[4] The Freedom of Information Act does NOT apply to city governments, nor does it apply to state or other local governments. It applies only to certain federal departments and agencies of the United States government. But you should be aware of the FOIA in the event that citizens try to assert their rights to municipal government records under that act. Different policies and procedures apply to offices under the Freedom of Information Act that are not included in the Tennessee public records statutes that apply to your office(s). Under the FOIA, citizens may request a federal agency covered by the act to perform searches of its records to locate certain information and then disclose the information, providing copies to the person making the request (subject to certain fees). As will be seen, Tennessee statutes allow broad access to public records, but they generally do not require local officials to perform searches or create new reports or responses to requests if those reports are not already a part of the office records.

^[1] T.C.A. § 8-19-111.

^[2] See T.C.A. §§ 10-7-301, *et seq.*

^[3] 5 U.S.C.A. 552(a).

^[4] Using the Freedom of Information Act: A Step-by-Step Guide, an American Civil Liberties Union Publication

Tennessee Public Records Statutes

Reference Number:

MTAS-464

The Tennessee Public Records Act (hereinafter referred to as "TPRA") is found in Title 10, Chapter 7, Part 5 of the T.C.A. The starting point for a discussion of the law in this area is the declaration found in T.C.A. § 10-7-503 that government records are open to public inspection. It reads as follows:

... All state, county and municipal records shall at all times during business hours ... be open for personal inspection by any citizen of this state, and those in charge of such records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.^[1]

The TPRA has been construed broadly by both the state attorney general and the Tennessee judiciary.^[2] The legislature made it clear that its intent in passing this law was to "... give the fullest possible public access to public records," and it instructed the courts to exercise whatever remedies are necessary to ensure that purpose is fulfilled.^[3] The courts have ruled that a "presumption of openness" exists with government documents.^[4] That is not to say, however, that public access is totally without limitation.

Who Has the Right to Access Public Records?

The TPRA provides that records must be open for inspection by any citizen of Tennessee. In keeping with the legislative intent to provide for liberal public access to government records, the Tennessee Supreme Court determined that the word citizen includes convicted felons incarcerated as inmates within the Tennessee prison system.^[5] Although certain rights are stripped from individuals when they are convicted of a felony (e.g., voting, ability to hold public office), the court concluded that neither the Tennessee Public Records Act nor any other statute prevented a convicted felon from seeking access to public records. Neither should access be denied to anyone else who appears to be a citizen of this state.

The TPRA is not as generous with nonresidents, however. Since the language in the statute grants public access to "any citizen of this state," the Tennessee Attorney General opined that public officials may deny requests for copies of public records based on the lack of state citizenship.^[6] Since there is no fundamental federal right to access of government records and since the TPRA only requires that access be provided to Tennessee citizens, the attorney general reached the conclusion that it is not a violation of the privileges and immunities clause of the United States Constitution to deny access to people from other states who make requests for Tennessee records. Keep in mind that although the TPRA does not affirmatively require disclosure of public records to noncitizens, neither does it prohibit the release of public records to noncitizens.^[7] Governmental entities are required to have properly adopted policies in place that address who can access municipal records. These policies should be enforced consistently and reviewed regularly.

How Should Access Be Provided?

The TPRA states that records shall be open to inspection "during business hours." Additionally, in all cases where a person has the right to inspect public records, he or she also has the right to copies of those records.^[8] Every effort should be made to provide reasonable accommodation to parties requesting access to records; however, providing this service need not prevent the performance of other duties of the office. A request to see every record of an office and make a photocopy of each of them could bring the entire operation of an office to a halt. For this reason, each governmental entity subject to the Act is required to have a properly adopted policy in place that governs how requestors can access public records and obtain copies or duplicates of the records.^[9] These regulations should be reasonable and not interfere with the intent of the legislature to provide broad public access to records. The official with custody of the record should strive to balance the right of access to records with his or her responsibility to preserve and protect the records. Regulations should be tailored to accommodate requests in a timely manner while allowing for the continued efficient functioning of the office and for the preservation and security of the records. Regulations that are intended to frustrate the ability of a citizen to access records will likely be found unreasonable and be struck down by the courts.

Be aware that there is a danger of theft, vandalism or damage by negligence inherent in allowing a member of the public access to government records. There is a profitable market for certain historical manuscripts. Across the country, government records are disappearing from government offices and reappearing for sale in antiques stores, flea markets and specialty shops. To prevent theft or vandalism, someone from your office should supervise the person accessing the records, or, at a minimum, the person accessing the records should be required to examine them in an open area.

The records custodian must promptly make available any public record not exempt from disclosure. If it is not practicable for the record to be made available promptly, the custodian must within seven business days either (1) make the record available, (2) deny the request in writing including the basis for denial, or (3) furnish the requestor with a completed records request response form developed by the Office of Open Records Counsel stating the time necessary to produce the record or information.

The records custodian may not require that a request to **inspect** public records be made in writing, but the custodian may require a request for a **copy** of a public record to be in writing or on a form provided by the Office of Open Records Counsel in the comptroller's office. The custodian also may require a photo identification of the requestor or other form of identification suitable to the custodian to establish Tennessee residency.

The records custodian may require the requestor to pay the reasonable costs, including certain labor costs of producing and copying public records. The Office of Open Records Counsel has established a recommended schedule of fees for this purpose.

Office of Open Records Counsel

The General Assembly established the Office of Open Records Counsel in the Office of the Comptroller of the Treasury to answer questions and provide information to the public about public records. The Office provides informal opinions, creates forms for records requests and responses, establishes a suggested fee schedule, and mediates disputes about records. Information created by this office is available on its website at <https://www.comptroller.tn.gov/openrecords/> [1].

Denial of Access — Liability

Any citizen of Tennessee who is denied the right to personal inspection of a public record in whole or in part is entitled to petition the court to review the actions that were taken to deny access to the record.^[10] Petitions may be filed in the chancery court or circuit court for the county where the records are located or in any other court exercising equity jurisdiction in the county.^[11] Upon the filing of the petition, the court shall, at the request of the petitioning party, issue an order requiring the defendant to appear and show cause why the petitioner should not be granted access to the record. No formal written response to the petition is required. The burden of proof rests on the person having custody of the records to show why public access should not be allowed.^[12]

If the court determines that the petitioner has a right to inspect the records, the records must be made available unless the defendant timely files for appeal or the court certifies a question with respect to disclosure of the records to an appellate court.^[13] If a public official is required to disclose records pursuant to these procedures, he or she cannot be held civilly or criminally liable under state law for any damages caused by the release of the information.^[14] If the court determines that the government entity knowingly and willfully refused to disclose a public record, it may, at the discretion of the judge, assess all reasonable costs involved on obtaining the record, including attorney's fees, against the governmental entity.^[15] In determining whether denial of access was willful, the court may consider any guidance provided to the records custodian by the Office of Open Records Counsel.

[1] T.C.A. § 10-7-503.

[2] See generally, *Memphis Publishing Co. v. Holt*, 710 S.W. 2d 513 (Tenn. 1986).

[3] T.C.A. § 10-7-505(d).

[4] *Griffin v. City of Knoxville*, 821 S.W. 2d 921, 924 (Tenn. 1991).

[5] *Cole v. Campbell*, 968 S.W. 2d 274 (Tenn. 1998).

[6] Op. Tenn. Atty Gen. No. 99-067 (March 18, 1999).

[7] Op. Tenn. Atty Gen. No. 99-067 (March 18, 1999).

[8] T.C.A. § 10-7-506(a).

[9] T.C.A. § 10-7-503(g).

[10] T.C.A. § 10-7-505(a).

[11] T.C.A. § 10-7-505(b).

[12] T.C.A. § 10-7-505(c).

[13] T.C.A. § 10-7-505(e).

[14] T.C.A. § 10-7-505(f).

[15] T.C.A. § 10-7-505(g).

Which Records are Subject to Public Access?

Reference Number: MTAS-465

The legislature intended the fullest possible public access to public records. But what are public records? Generally speaking, the courts have ruled that “[i]n those instances where documents have been made or received in connection with the transaction of official business by any governmental agency, then a presumption of openness exists, and the documents are public records within the meaning of T.C.A. § 10-7-503.”^[1] However, this presumption of openness is overcome wherever State law provides that a record is confidential.

T.C.A. § 10-7-503 itself includes some restrictions on the public’s access to certain records. This section makes contingency plans of law enforcement agencies to deal with bomb threats, terrorist acts, and other acts of violence confidential and not open to public inspection. It also requires that certain information relative to law enforcement officers that is made confidential be redacted before the record is inspected. It also requires notice to a police officer within three days after the officer’s personnel information has been inspected.

Confidential Records

Another statute in the Tennessee Public Records Act provides a long list of government records that must be kept confidential.^[2] This statute is amended and added to regularly by the Tennessee General Assembly. The following list reflects many of the records designated as confidential by T.C.A. § 10-7-504:

- Medical records of patients in state, county, and municipal hospitals and medical facilities;
- Any records concerning the source of body parts for transplantation or any information concerning persons donating body parts;
- All investigative records of the Tennessee Bureau of Investigation (TBI), all criminal investigative files of the Motor Vehicle Enforcement Division of the Department of Safety relating to stolen vehicles or parts, all files of the Driver’s License Issuance Division and the Handgun Carry Permit Division of the Department of Safety relating to bogus driver’s licenses and handgun carry permits issued to undercover law enforcement agents;
- Records, documents and papers in the possession of the Military Department that involve national or state security;
- Records of students in public educational institutions;
- Certain books, records, and other materials in the possession of the office of the attorney general relating to any pending or contemplated legal or administrative proceeding;
- State agency records containing opinions of value of real and personal property intended to be acquired for a public purpose;
- Proposals received by the state pursuant to personal service, professional service and consultant service contract regulations, and related records before the state has finished its complete evaluation;
- Investigative records and reports of the Internal Affairs Division of the Department of Correction or the Department of Children’s Services;
- Official health certificates, collected and maintained by the state veterinarian;

- Capital plans, marketing information, proprietary information and trade secrets submitted to the Tennessee Venture Capital Network; Records of historical research value that are given or sold to public archival institutions, public libraries, or libraries of a unit of the board of regents or the University of Tennessee, when the owner or donor requires that the records are kept confidential;
- Records of historical research value that are given or sold to public archival institutions, public libraries, or libraries of a unit of the board of regents or the University of Tennessee, when the owner or donor requires that the records are kept confidential;
- Personal information contained in motor vehicle records;
- All memoranda, work notes or products, case files, and communications related to mental health intervention techniques conducted by professionals in a group setting to provide job-related critical incident counseling and therapy to law enforcement officers, correction officers, dispatchers, EMTs, paramedics and firefighters;
- All riot, escape, and emergency transport plans incorporated in a policy and procedures manual of county jails and workhouses or prisons operated by the Department of Correction or under private contract;
- Records of any employee's identity, diagnosis, treatment, or referral for treatment by a state or local government employee assistance program;
- Unpublished telephone numbers in the possession of emergency communications districts;
- Employment records of state, county, municipal, or other public employees that contain cell phone numbers, home telephone numbers, addresses, bank account information, Social Security numbers, or driver's license information (except where driving or operating a vehicle is part of the employee's job duties) of the employee or an immediate family or household member. [NOTE: Under the law, this information in employment records should be redacted whenever possible and not be used to limit or deny access to otherwise public information.];
- Certain personnel information of undercover police officers and their immediate family or household members;
- Identifying information, such as unlisted telephone numbers, in the possession of a private or public utility service provider that could be used to locate an individual, when the utility has been provided with a copy of a valid protection document and confidentiality has been requested;
- Those parts of a record identifying an individual as a person who has been or may in the future be directly involved in the process of executing a sentence of death;
- Credit card numbers, Social Security numbers, account numbers, security codes and other identifying information in the hands of a utility;
- Records of a utility that would identify areas of vulnerability or allow disruption of utility service;^[3] and
- Certain personal information relative to law enforcement officers, in addition to that made confidential otherwise, when the information is requested for a professional, business or official purpose, and the chief determines there is a reason not to disclose the information.
- Video taken by a law enforcement body camera that depicts minors, when taken within a school that serves any grades from kindergarten through grade twelve (K-12); the interior of a facility licensed under title 33 (mental health) or title 68 (health); or the interior of a private residence that is not being investigated as a crime scene.
- Examination questions, answer sheets, scoring keys, and other examination data used for the purpose of licensure, certification, or registration of health professionals under title 63 or title 68, however, a person who has taken such an examination has the right to review the person's own completed examination; and final examination scores of persons licensed, certified, or registered as health professionals under title 63 or title 68 shall be open for inspection by members of the public, upon request.

This list of confidential records found in T.C.A. § 10-7-504 is not exclusive, however, and many other statutes, rules, and the common law dealing with specific subjects can also make a specific record

confidential.^[4] The following is a non-exhaustive list of statutes that designate certain records as confidential:

- All memoranda, work products or notes, and case files of victim-offender mediation centers (T.C.A. § 16-20-103);
- Adoption records and related records (T.C.A. §§ 36-1-102 *et seq.*);
- Certain information divulged in paternity proceedings that might be used to locate a victim or an alleged victim of domestic violence (T.C.A. § 36-2-311(e));
- Many records regarding juveniles, children and minors (T.C.A. §§ 37-1-153, 37-1-154, 37-1-155, 37-1-409, 37-1-612, 37-1-615, 37-2-408, 10-7-504);
- Certain records regarding the granting of consent to abortion for a minor and other records regarding abortion (T.C.A. §§ 37-10-304, 39-15-201);
- Certain student information (See Title 49 of the Tennessee Code);
- Whistle-blowing reports of violations of the Education Truth in Reporting Act (T.C.A. § 49-50-1408);
- Certain records of an employer's drug testing program (T.C.A. § 50-9-109. See Op. Tenn. Atty Gen. 99-126);
- Tax returns, audits, letter rulings and other taxpayer identifying information (T.C.A. § 67-1-1702);
- Business tax statements, reports, audits and returns (T.C.A. § 67-4-722);
- Information or records held by a local health department regarding sexually transmitted diseases (T.C.A. § 68-10-113);
- Patient medical records of hospitals and local or regional health departments (T.C.A. § 68-11-305); and
- Nursing home patient records (T.C.A. § 68-11-804).

Note that this list highlights only some of the other provisions of the Tennessee Code that make records confidential. The Tennessee Court of Appeals held that municipal attorney work product is confidential.^[5] Additionally, the Tennessee Supreme Court ruled that sources of legal authority other than statutes may make a record confidential. For example, the Tennessee Supreme Court ruled that the Tennessee Rules of Criminal Procedure and Civil Procedure may also designate certain records as confidential.^[6] The Tennessee Supreme Court also ruled, however, that the common-law law enforcement privilege, which would make certain investigative information gathered by police departments confidential, does not apply in Tennessee.^[7] If you have a question regarding the confidentiality of a specific record not listed above, contact your city attorney or MTAS management consultant.

Maintaining Confidentiality

Any record that is designated as confidential must be treated as confidential by the agency with custody of the record throughout the maintenance, storage and disposition of the record. This includes destroying the record (if it is eligible for destruction) in such a manner that the record cannot be read, interpreted or reconstructed.^[8] Once a confidential record has been in existence for more than 70 years, it shall be open for public inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law or unless the record is a record of services for mental illness or retardation. This "70-year rule" does not apply to adoption records, records maintained by the office of vital records, and records of the TBI that are confidential.^[9]

Breach of Confidential Personal Information

T.C.A. § 47-18-2901 requires municipalities to create safeguards to ensure the security of personal information on laptop computers. Failure to comply with this requirement creates a cause of action against the municipality if identity theft results.

T.C.A. § 47-18-2107 requires any holder of computerized personal information that is confidential to disclose any breach of the security of the system to any resident of Tennessee whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. If the information holder does not own the personal data, the holder must also notify the owner or

licensee of the breach within 45-days following the discovery, unless a longer period of time is required due to the legitimate needs of law enforcement. The code section establishes procedures for giving the notices.

Valid Protection Documents

In addition to this large group of records made strictly confidential by state laws, T.C.A. § 10-7-504 allows persons who have obtained a “valid protection document” to request certain information that could be used to locate them be kept confidential. Protection documents are defined by the act and include orders of protection and affidavits of directors of rape crisis centers or domestic violence shelters. If the individual desiring confidentiality presents one of these documents to the records custodian for the governmental entity and requests confidentiality, the custodian of the records may choose to comply with the request or reject it. If the request is rejected, the custodian must state the reason for denying the request. If the request is granted, the records custodian must place a copy of the protection document in a separate confidential file with any other similar requests, indexed alphabetically by the names of the persons requesting confidentiality. From that point on, until the custodian is notified otherwise, any time someone requests to see records of the office, the records custodian must consult the file and ensure that any identifying information about anyone covered by a protection document filed with the office is kept confidential before allowing any record to be open for public inspection. “Identifying information” includes any record of home and work addresses, telephone numbers, Social Security number, and “any other information” regarding the person that could reasonably be used to locate an individual. That information must be redacted from the records of the office before anyone can be allowed to inspect the records of the office. Cities and towns are not required to comply with these requests to maintain the identifying information described above as confidential. However, utility service providers are required to comply with such requests.

Student Records

Access to student records is governed by state and federal laws.^[10] The main purpose of these laws is to protect the confidentiality of these records. If your city has a municipal school system and you would like detailed information about the legal requirements affecting student records, contact your MTAS management consultant.

E-mail and Other Documents — Discovery

The Federal Rules of Civil Procedure^[11] specifically require employees to retain electronic communications, including e-mail, that is discoverable in litigation. These rules require employees to meet and confer with plaintiffs in employment litigation within 90 days after the appearance of the defendant or 120 days after a complaint has been issued. At that point, each party must disclose a copy or description of all documents, electronically stored information, and tangible things in its possession that it may use to support its claims or defenses. Therefore, these records not only must be retained, but must be categorized and may be deleted or removed based upon routine operation of a computer system or under an adopted records retention policy. Records custodians should check with their information technology departments to make sure the municipality has the technical ability to comply with the 90- and 120-day rules mentioned above.

Identity Theft Precautions

The federal Fair and Accurate Credit Transactions Act of 2003 (FACTA) — Public Law 108-159 — requires utilities and other municipal departments that defer payments for services to take precautions to protect personal identifying information in their records. The municipality must have a policy that protects personally identifying financial and medical information and provide training on the policy.

[1] *Griffin v. City of Knoxville*, 821 S.W. 2d 921, 924 (Tenn. 1991) as quoted in Op. Tenn. Atty Gen. No. 99-011 (January 25, 1999).

[2] T.C.A. § 10-7-504 .

[3] T.C.A. § 10-7-504.

[4] Op. Tenn. Atty Gen. No. 99-022 (Feb. 9, 1999).

[5] *Arnold v. City of Chattanooga*, 19 S.W. 3rd 779 (Tenn. App. 1999).

[6] See *Appman v. Worthington*, 746 S.W. 2d 165, 166 (Tenn. 1987) and *Ballard v. Herzke*, 924 S.W. 2d 652, 662 (Tenn. 1996).

[7] *Schneider v. City of Jackson*, 226 S.W. 3d 332 (Tenn. 2007).

[8] T.C.A. § 10-7-504(b).

[9] T.C.A. § 10-7-504(c).

[10] T.C.A. § 10-7-504 and 20 U.S.C. §§1232 *et seq.*

[11] See particularly Federal Rules of Civil Procedure, nos. 26, 34 and 37.

Basic Steps in Records Management Process

Reference Number: MTAS-466

Whether or not you realize it, you already have a records management program. The problem is, it may be doing more harm than good. If your records are filed in a haphazard manner, if you don't know exactly what you have and where you have it, if it takes you too long to find what you need, if your office space is packed to the ceiling with file cabinets and boxes, if records are stored in cabinets and boxes, if records are stored in unsuitable locations, if you throw away records too soon, or if you don't destroy records often enough, you could benefit from spending a little time, effort and resources on implementing a beneficial records management program for your office.

Evaluate Current Records System

Reference Number: MTAS-467

Your first task is to evaluate your current system of records management. In other words, conduct an inventory of the records in your office.

Appoint a Records Manager/Custodian Depending on the size of your city, you will need to appoint one or more persons within the office to serve as a records management coordinator. Having a single person responsible for your office's records management efforts who coordinates communication about your records with entities outside your office (the county public records commission, a records center or an archive) can be a key to achieving success. This person should have good organizational skills but, obviously, should not already be overwhelmed with too many other duties to be able to devote the time necessary to records management. Many city recorders are charged with the responsibility for the city's records management.

Inventory: Once you have selected someone to do the inventory, make sure they understand the information you need and the goals of the inventory.^[1] The general goals of the inventory should include:

- Identifying the various "records series" in each office;
- Describing all record locations and
- storage conditions;
- Providing dates and other useful information;
- Measuring space and equipment occupied by records; and
- Providing a basis for writing records retention schedules.^[2]

The inventory will be beneficial in a number of ways. Most obviously, it will tell you exactly what records you have and where to find them. Even if you go no further, this alone will increase the efficiency of your office. Another desirable result of an inventory is that it will help you locate records that you can throw out or otherwise destroy.

Using the inventory and the records retention schedules for your office that are located in Part Four of this manual, you probably will discover a number of records that are unnecessarily taking up space in your office or storage area. A third benefit is identifying records that are in danger. Paper records can

easily be damaged by water or even excessive humidity or other environmental problems. If your inventory finds evidence of water damage to records, mold and mildew, or signs of damage from vermin, insects or other pests, take steps to remedy these problems before your office loses vital information. See the chapters in this section on Proper Storage Conditions and Disaster Preparedness for advice about dealing with these problems and establishing a safe environment for storing records long term.

Filing Systems

After you have evaluated the inventory of the records your office keeps, spend some time evaluating your filing system as well. If improvements can be made to the way you file records, you will improve administrative efficiency and reduce costs. “If every employee of an agency of local governments spends even five percent of the time searching for hard-to-find information, that time translates into very substantial sums of money, and quality of services is sure to suffer.”^[3]

A good filing system will provide two major benefits to the people using it: “precise retrieval and timely retrieval.”^[4] Another way of thinking about these issues is to ask, “Can I find what I want when I want it?” If your filing system results in records retrieval that takes too long, that gives you only part of what you want, or gives you back much more than you need, it is inefficient. Poor filing system performance generally is attributed to one or more of seven major factors:

- Inadequate management attention;
- Poor organization and structure of files;
- Poor labeling and indexing procedures;
- Uncontrolled growth of records;
- A high incidence of missing, misfiled or lost records;^[5]
- Inadequate or poorly trained files personnel; or
- Inadequate or no formal record- keeping procedures.^[6]

Filing Equipment

You may think all filing cabinets are alike, but that is just not true. Don’t simply assume that the storage system you have cannot be improved upon. You have options to consider. Movable shelving, color-coded, open shelving systems, and even bar coding have become common in many offices that handle a large volume of records. The old standard vertical-drawer filing cabinet first came into use in the late 19th century, but many records managers consider these cabinets to be functionally obsolete for most modern office applications. “[The vertical-drawer file cabinet] is the most costly of all filing equipment, since it requires more floor space and more physical time and effort to access the folders. It also does not provide the full benefit of visual retrieval aids, such as special labeling and color coding.”^[7] If you know your filing system is inefficient, consider checking into more modern equipment. Although it will cost money initially, it may save money in the long run by saving floor space in your office, thereby postponing the need for expansion or relocation, and by reducing staff time that is wasted on an inefficient filing system with cumbersome storage units.

Footnotes:

[1] You may wish to use the sample Records Inventory Worksheet located in the appendix to this manual as a guide for performing an inventory.

[2] *Managing Records on Limited Resources — A Guide for Local Governments*, p.3.

[3] *The Daily Management of Records and Information — A Guide for Local Governments* issued by the National Association of Government Archives and Records Administrators, p.1.

[4] *Ibid*, p.2.

[5] “Studies show that between one percent and three percent of an organization’s records are not available to the users due to one of these causes.” *The Daily Management of Records and Information*, p.3.

[6] *The Daily Management of Records and Information*, *ibid*, pp.2–3.

[7] *The Daily Management of Records and Information*, p. 8.

Develop RDAs

Reference Number: MTAS-468

Step Two: Develop RDAs

Your first question is probably “what is an RDA?” The acronym RDA stands for records disposition authorization. At a minimum level, an RDA provides a formal statement of when a record can be destroyed and what authority serves as the basis for its destruction. But these documents can be much more. A comprehensive RDA becomes a plan for the entire life of a record series from creation to final disposition.

Among other things, a comprehensive RDA should include:

- a basic description of a record series;
- how the record is created, how it is used,
- where it should be stored,
- in what format it should be kept,
- who should have access to it,
- how long it is in active use by an office,
- when to move it into inactive storage,
- whether it is vital or confidential,
- and whether or not it can be destroyed.

Fully developed RDAs differ from records retention schedules in a number of ways. Retention schedules uniformly describe the various records of an office, state whether a record is permanent, identify the minimum amount of time a temporary record must be kept, and state a legal authority or rationale for that retention period. They generally do not tell you where to keep a record, how long the record may be in active use, and when a record can be moved to inactive storage or an archive. Those determinations are office specific based on the resources available to you and the operating procedures of your office.

The retention schedules give you the foundation for writing your RDAs, but you are encouraged to consider them only a starting point. If your office handles a large number of records and a lot of people deal with them, consider putting more than the minimum into your RDAs. While they take a significant amount of work to develop, RDAs are fundamental to an efficiently operating records management program in any office with a large volume of records. Once created, they will need only periodic review to ensure that the plan you laid out for a group of records still makes sense and complies with your needs and any applicable legal requirements.

The following general principles and considerations may be helpful in making decisions about how to manage your records. They are quoted verbatim from the Tennessee State Library and Archives, Tennessee Archives Management Advisory (TAMA) 99-08 entitled “Appraisal and Disposition of Records.”

If a legislative mandate requires permanent or temporary retention of any record, set of records, or class of records, then the record(s) specified in the mandate must be kept at public expense for at least as long as the mandate requires.

- A record or set of records should be retained by an agency as long as it is useful to performance of its routine functions.
- A decision to retain records beyond their active usefulness or legislative mandate is a decision to maintain them so they can be examined readily by the public. Such a decision requires a commensurate commitment of resources to continuous care and custody for the entire term of retention.
- A decision for permanent retention is a decision for perpetual care.
- Records should not be kept beyond their useful life in the public interest.

- No record that is necessary to the public interest should be destroyed.
- Records that are retained beyond their active usefulness to the routine functions of an agency must be of sufficient public interest to justify the expense of keeping and administering them, and the justification should be clearly stated, understood, and agreed to before accepting responsibility for and paying the cost to retain the record(s).
- The following kinds of records may all be appraised as having archival value for permanent retention:
 - Essential records that are needed to resume or continue operations or to re-create legal and financial status after a disaster, or that are needed to protect or fulfill obligations;
 - Records that have lasting value as legal and fiscal evidence to account for responsible government;
 - Records that are of such high evidential and historical value that they should be retained at public expense for the sake of a sound, reliable, and comprehensive understanding of the political, social, economic and historical context of government and culture.

Develop Written Policies and Procedures

Reference Number: MTAS-469

Step Three: Develop Written Policies and Procedures

Both large and small offices can benefit from having written records management policies on certain issues. The policies should adopt the records retention schedules in this manual; incorporate any RDAs developed by your office; and include policies for dealing with inactive records, for allowing public access to records and guidelines for making copies, for responding to emergencies that threaten records, for maintaining confidential records, for keeping records in alternative storage media, and for interacting with the county public records commission, the State Library and Archives, and a records center or archive if one exists in your city. MTAS recommends that personnel records, other than personnel records of undercover police officers, be kept in the central office repository by the records custodian, rather than by the different departments. Having personnel records scattered in different departments can lead to problems, including lost files and parts of files.

If you think your office has had or may have a problem with files being lost, stolen or misplaced, develop a policy and procedures for tracking files as well. Require anyone removing a file from its storage space to fill out a sign-out sheet indicating who they are, what record they are taking, and the dates of its removal and return. This procedure should help your office track misplaced records and cut down on losses. If you have an active records manager in your city, he or she may already have developed policies on some of these issues. In that case, you could simply incorporate those policies into your office procedures.

Municipalities have a great deal of flexibility in adopting the retention schedule recommended in this publication. It can be adopted by ordinance, resolution, motion, citywide policy or a records commission if the city has one; or applicable portions can be adopted as departmental policy.

Continuing Maintenance

Reference Number: MTAS-470

Step Four: Continuing Maintenance

The best records management program will quickly fall into obsolescence if the office does not make efforts to stay current. Records, particularly government records, grow at an astronomical rate. If you do not take steps regularly to move inactive records to other storage and destroy temporary records when they become eligible for destruction, they soon will fill up your filing equipment, then your office, and bring clutter and disorganization to all operations. Consider implementing an annual "records clean-up day" to reassess the records of the office and identify what can be moved or destroyed. Select a time that is not in the middle of your busy season (perhaps around the holidays), and designate a day for

everyone to identify records that can be destroyed, and collect them. Remember, also, that having an appointed records management officer who can designate part of his or her time year round to keeping the office files current will go a long way toward ensuring that your records management program succeeds.

Establishing a Records Management Program

Reference Number: MTAS-471

All cities need to have some system of checks and balances to be sure that records are disposed of on schedule but not destroyed when they still may be needed for administrative, legal or historical purposes.

Cities may want to create a municipal public records commission (PRC) to act as steward of their records. Unlike counties, cities are not required to have a public records commission oversee their records management and disposition. This commission could comprise the following city officials: mayor, city manager, city recorder, city archivist, city judge and a genealogist. This commission should be established by resolution. Of course, the composition of the commission is not mandatory, but cities should strive to choose members who know about the administrative, legal and historical value of the records.

Even a small city that may not be able to marshal a commission should adopt rules and regulations governing the management of the municipal public records. These regulations should establish standards and procedures covering:

- Reproduction of records;
- Security of records;
- Disposal of originals;
- Adoption and dissemination of schedules for the retention and disposition of records; and
- Physical destruction or other disposition of public records.

For cities that create a municipal public records commission and desire to become even more progressive, the State Library and Archives recommends the following list of activities and guidelines in one of its Tennessee Archives Management Advisories.[1] These activities and guidelines were drafted for both municipal and county records commissions and have been edited where necessary for these reasons.

The commission should:

1. Hold meetings at least twice a year or more often as circumstances require.
2. Elect its own officers (at least a chairman and a secretary).
3. Keep records of decisions and transactions.
4. Report at least once a year to the local executive and legislative body on commission activities and the state of records and archives management in the locality.
5. Frame regulations for efficient management of local government records and archives to be adopted as resolutions of the legislative body.
6. Authorize or disapprove requests from municipal offices to destroy original records, using records schedules prepared by MTAS for guidance.
 - Public records commissions may authorize retention of records that are not designated as permanent by MTAS schedules but only if the means to preserve and manage the records for public inspection are assured.
 - Public records commission may NOT authorize destruction of any records that are designated permanent by MTAS schedules unless the records have first been copied onto a durable, archival medium that assures permanent preservation and a readily available means for prompt public inspection.
7. Assure that authorizations for destruction of public records are forwarded to the Tennessee State Library and Archives (TSLA) for review within 90 days of the PRC authorization.
8. Follow-up to assure that
 - TSLA approval of the destruction has been received before records destruction takes place; or

- If TSLA has deemed the records to be historically valuable, they are properly transferred to TSLA or to another repository designated by mutual agreement of the public records commission and TSLA.
9. Assure the executive and legislative body that actions taken by the commission and local government offices are in accordance with the T.C.A. and with pertinent local resolutions, including the complete destruction of public records that have been authorized for destruction.
10. Review and approve plans by local government offices for electronic imaging or data processing systems to assure that
- The system employed will protect and preserve records designated as permanent by MTAS schedules.
 - A permanent, archival-standard microfilm of permanent records is produced, and the original camera-image film of any microfilm produced is sent to TSLA for quality control testing and storage in the vault of the state archives.
11. Advise and propose to the local government executive and legislative body the planning, development, site selection, establishment, funding, budget, regulation, and operation of a local central records office and archives
- For the management and reference servicing of inactive records awaiting final disposition, and
 - For the management of permanent records for long-term preservation and public inspection.
12. Advise and recommend to the local government executive the appointment and removal of personnel, including an archivist as director, for the central records office and archives.
13. Review operations of the local government records office and archives to assure the local legislative body that it meets records management and archives management standards, and satisfies the need of the local government and its citizens.
14. Propose to the local government cooperative arrangements with other local governments or cultural institutions, such as libraries and universities, for storage, management, and public inspection of historically valuable records, including permanent public records of the local government.
15. Work with local government offices and with MTAS, TSLA, and the Records Management Division of the state Department of General Services to draft, review, revise and issue realistic records management schedules for local government records.
16. Review records-keeping practices in local government offices and recommend to the offices and to the local government executive and legislative body remedies to correct faults and improvements to deal with emerging information and records needs.

Lamination

Because lamination too often destroys the documents it is intended to preserve, the Tennessee State Library and Archives recommends that permanent records not be laminated but rather encapsulated in Mylar® sleeves.^[2]

Copying Charges

The Tennessee Attorney General has opined that while a government only has to make public records available to citizens for copying, if a government chooses to make copies of its records upon request it can charge a reasonable fee covering the cost of copying.^[3] T.C.A. § 10-7-503 confirms this and the Office of Open Records Counsel reviews and annually establishes a recommended fee schedule, including certain labor costs. See also T.C.A. § 10-7-702(b). While it is up to the city's governing body to decide how such revenue will be used, cities may want to consider "re-investing" them in equipment, supplies, or personnel expenses related to records management and records preservation. The Safe Harbor Schedule can be located at the Office of Open Records Counsel, currently at <http://www.comptroller.tn.gov/repository/OpenRecords/FormsSchedulePolic...> [2].

Disposing of Records

Even the best planned and operated records management program will fail miserably if it never gets rid of records. To find what you need and to preserve what you need to keep, you have to get everything else out of the way. That is where disposal comes in.

Checks and Balances

Disposing of municipal records is not as simple as hauling them out to the trash. Because these records can be of great importance to many people, there are a number of procedural checks and balances to

go through to lawfully dispose of records, whether the disposition is by destruction or transfer of the records to another institution. For many records, the official who has custody of the record, the municipal public records commission (if there is one), the State Library and Archives, and, for court records, a judge, all need to be involved in determining the final disposition of the record.

[1] Tennessee Archives Management Advisory 99-015, pp.6-7.

[2] See Tennessee Archives Management Advisory 99-009.

[3] Op. Tenn. Atty Gen. No. 83-002 (January 3, 1983).

Types of Records

Reference Number: MTAS-472

What Kind of Record Is It?

The first step in trying to decide what to do with records, is to identify and classify them. For disposition purposes, records will fall into one of three classes: working papers, temporary records and permanent records. The procedures for disposing of each of these classes are different.

Working Papers

Reference Number: MTAS-473

Working papers are defined as “those records created to serve as input for final reporting documents, including electronic data processed records, and/or computer output microfilm, and those records which become obsolete immediately after agency use or publication.” [1] This class of records comprises all those little records that come and go in the course of a day that we usually don’t even consider “records.” Whether it is notes for a meeting or a rough draft of a report, if the record becomes obsolete after you use it, consider it a working paper. The good news about working papers is that they are easy to destroy. Any public record defined as a working paper may be destroyed without retaining the originals of the record and without further review by other agencies. City policies regarding working papers should be liberal and allow city officials to eliminate these records as easily as possible before they become burdensome. Many working papers generated by city offices are extremely informal types of records. Due to the informal nature of these documents, officials may not find anything in the retention schedules that describes them. Consider whether the record matches the definition above when trying to determine if it is a working paper.

[1] T.C.A. § 10-7-301.

Temporary Records

Reference Number: MTAS-474

If a record must be kept for some reason after its initial use, then it is at least a temporary record. Temporary records are officially defined as “... material which can be disposed of in a short period of time as being without value in documenting the functions of an agency.” [1] Financial and payroll records are good examples. Payroll records have fulfilled their immediate purpose once your employees receive their checks. But those records must be kept in order to comply with federal statutes and regulations and are important documents in the case of an audit. [2] Once a temporary record has been retained for the period described in the schedule, then, like a working paper, it may be destroyed in accordance with the rules and regulations adopted by the city’s governing body or municipal public records commission. These rules should require approval of the city archivist (if there is one), city attorney, city recorder, city manager (if there is one), head of the department and mayor before the records are destroyed.

Alternative Formats for Temporary Records Generally speaking, if you are keeping a record for only five years or less, it is not cost efficient to microfilm the original paper records or convert them to other media. But certain records that are “temporary” actually have a rather lengthy retention period. Many court records must be kept 10 years, and employee earning records that may be used for computing retirement benefits are kept for the approximate life of the employee.

Even though these records do not have to be kept permanently, you may find it useful to convert them to other, more compact formats for storage and destroy the paper originals shortly after the alternative format is created. Microfilming or electronic storage of these long- term temporary records can be ideal solutions to storage space problems. The governing body or municipal public records commission should adopt a policy requiring approval prior to the destruction of original paper documents. It is not necessary to notify Library and Archives of the destruction of original copies of records of temporary value.

[1] T.C.A. §10-7-301

[2] See the following discussion entitled Special Consideration for more information about audit records.

Permanent Records

Reference Number: MTAS-475

Permanent records are records of such value that they must always be retained in some kind of permanent format. Examples of permanent records are the original process in a civil or criminal proceeding and the minutes of the city’s governing body. Some records, such as deeds, are kept permanently because the record continues to have legal significance in perpetuity. Other records are permanent because they preserve certain information about the way we live and conduct government and are, therefore, historically valuable. Still others are useful for statistical or planning purposes. Then there are those that are permanent simply because there are laws that have declared them to be so. All of these need to be kept in such a manner as to preserve them indefinitely.

Photographic or Electronic Preservation of Permanent Records

The governing body of any municipality may by resolution authorize the disposal of any permanent paper record of the municipality when the record has been photocopied, photostated, filmed, microfilmed, preserved by microphotographic process, or reproduced onto computer or removable computer media, or any appropriate electronic medium, in accordance with § 10-7-121 [3]. T.C.A. § 10-7-702.

The Tennessee State Library and Archives does not accept records in electronic format.

Retention Schedules

Reference Number: MTAS-525

Using these Retention Schedules

Records in this schedule are grouped by topic.

The records under each topic constitute a records series. Each record in the series is given a number consisting of the series designation plus a number designating the order in which the record is listed within the series. For example, Activity Reports under Animal Control are in Record Series A and have the record number A-1. The series designation and the record number should be useful in referring to records during both storage and disposition.

You may notice that there are topics that appear not to be covered. We have attempted to use general topics to the extent possible to keep the schedule from being too voluminous. If you have a record that appears not to be covered, you should look for the record in a related topic that is included in the schedule. For example, a contract involving the airport authority would have the same retention period as other contracts noted under the General Administration topic.

Under T.C.A. § 10-7-702, records manuals compiled by MTAS must “be used as guides by municipal officials in establishing retention schedules for all records created by municipal governments ...” Since this is a guide rather than the final word, a municipality may add more records or records series to the retention schedule if needed.

The schedules in this section have been reviewed by MTAS staff, the State Library and Archives, and several city officials. We recommend their adoption. The retention periods marked with asterisks are required by state or federal law. All other retention periods are based on the record’s administrative, legal and historical value.

As noted, municipalities have a great deal of flexibility in adopting the retention schedule. It can be adopted, with any needed modification, by ordinance, resolution, motion, citywide policy, or by a records commission if the municipality has one; or applicable portions can be adopted as a departmental policy.

Animal Control

Reference Number: MTAS-681

ANIMAL CONTROL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
A-1. Activity Reports. Monthly reports showing the activity of the animal control operations.	Retain 2 years, unless there is no annual report. If no annual report, retain as permanent record.	Keep to aid in planning.
A-2. Adoption Contracts. May include agreement to have animal spayed/neutered when it is 6 months old.	Retain 4 years.	Keep to show proof of ownership/patterns of behavior of animals or owners.
A-3. Annual Reports. Annual reports showing the activity of the animal control operations.	Permanent record.	Keep to aid in planning.
A-4. Bite Reports. Document investigations of dog bites.	Retain 4 years.	Retention period based on likely time of complaint or legal action.
A-5. Complaints, Record of. May contain date; time of complaint; complaint’s name, address, and telephone number; owner’s name and address; animal’s license number; and details of problems.	Retain 4 years or until resolution of any litigation, whichever is later.	Record may be used in litigation. Retention period based on statute of limitations for actions for injuries to personal property plus 1 year. T.C.A. § 28-3-105.
A-6. Controlled Substances, Log of	Retain 3 years.	Tenn. Admin. Rule 1730-4-.09.
A-7. Dispatching Logs.	Retain 4 years, unless legal action is pending.	Retention period based on likely time of complaint or legal action.
A-8. Euthanasia Report. Must be kept for each animal euthanized; includes date, estimated age, breed, weight, sex, amount of euthanasia solution administered, and description of verification of death	*Retain for 3 years. May want to retain for 4 years if 4-year retention period adopted for other animal control records.	Tenn. Admin. Rule 1730-4-.09.

ANIMAL CONTROL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
A-9. Field Reports (Daily). Report of officer's daily activities.	Retain 1 year.	Used to compile activity reports.
A-10 Impound Log. Log of all animals brought into the animal shelter and whether animal was adopted or euthanized.	Retain 4 years.	Keep as part of history of animals and owners and to track activity at shelter. Can be useful in returning lost animals to owners.
A-11. Rabies Certificate. Rabies vaccination is required by T.C.A. 68-8-104. Certificates are forwarded to animal control by veterinarians.	Retain 4 years.	Keep to provide proof of vaccination and to facilitate return of lost animals to owners. Rabies vaccine lasts 3 years.
A-11. Rabies Certificate. Rabies vaccination is required by T.C.A. 68-8-104. Certificates are forwarded to animal control by veterinarians.	Retain 4 years.	Keep to provide proof of vaccination and to facilitate return of lost animals to owners. Rabies vaccine lasts 3 years.
A-12. Return to Owner, Record of.	Retain 4 years.	Keep to prove ownership and assign liability to owner if the animal is ever in violation of ordinances or statutes.
A-13. Spay/Neuter Deposit, Record of. Deposit is required by T.C.A. § 44-17-503 for every animal not already neutered that is adopted from an animal shelter.	Retain 4 years.	Keep as part of history of animals and owners.
A-14. Surrender of Animal, Record of.	Retain 4 years.	Keep to defend against liability for taking animal. Based on statute of limitations for offenses against property plus 1 year.

*Indicates a mandatory retention period based on state or federal law.

Cemeteries (City-Owned)

Reference Number: MTAS-682

CEMETERIES, CITY-OPERATED RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
B-1. Deed Books. May contain deed number, purchaser's name, deed date, lot number, etc.	Permanent Record.	Establish property rights.
B-2. Interment Records. May contain name of the deceased, burial permit number, dates of death and interment, sex and age of deceased, place of death, location of grave, date and place of birth, owner of lot, deed number, and removal information.	Permanent Record.	Keep for historical purposes.
B-3. Perpetual Care Records. Records regarding funds for the continued upkeep of the cemetery.	Permanent Record.	Keep for historical purposes.

Court Records

Reference Number: MTAS-683

COURTS RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
C-1. Affidavit of Complaint. A written statement alleging that a person has committed an offense and alleging the essential facts instituting the offense charged made upon oath before a magistrate or court clerk.	*Permanent Record.	T.C.A. § 18-1-202(a).
C-2. Appeal Dockets. Record of cases going to appellate courts showing style of case, date, and ruling of the court; may show court costs	*Retain 10 years after last entry.	T.C.A. § 18-1-202(a).
C-3. Appearance and Rule Dockets. Record of first appearance of all causes in court, showing date filed, names of attorneys, style of case, security, and action taken.	*Permanent Record	T.C.A. § 18-1-202(a).

COURTS RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
C-4. Appearance and Bail Bond Records. Bonds and recordings of bonds executed by defendants and sureties showing defendant's name, name of person serving as surety, amount of bond, and signatures of the accused and sureties.	*Retain 10 years after final judgment.	T.C.A. § 18-1-202(a).
C-5. Attachment and Injunction Bonds. Bonds executed in attachment and injunction cases insuring defendant against damages likely to occur as a result of wrongful suing, showing date of bond, name of principal and sureties, amount of bond, condition of the obligation, and signatures of principal and sureties.	*Retain 10 years after final judgment.	T.C.A. § 18-1-202(a).
C-6. Attachments on Personal Property. Writs issued during court action to seize the personal property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover.	*Retain 10 years after final settlement of case.	T.C.A. § 18-1-202(a).
C-7. Attachments on Real Property. Writs issued during court action to seize the real property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover.	*Retain 10 years after final settlement of the case.	T.C.A. § 18-1-202(a).
C-8. Bills of Costs-Courts with Concurrent Jurisdiction. Certified bills of cost in criminal cases in courts having concurrent general sessions court jurisdiction and submitted for payment by the city court clerk, showing names of the plaintiff and defendant, offense charged, date of initial action, items of cost, amount of each, date process issued, signature of office issuing warrant, date filed with city court clerk for trial (if applicable), clerk's certification, date judgment paid, and number of warrant issued in payment.	Retain 5 years after close of case.	Keep for audit and review purposes.
C-9. Bills of Costs-Ordinance Violation Cases. Bills of costs submitted for payment showing names of plaintiff and defendant, date of initial action, items of cost, amount of each, date process issued, signature of official issuing warrant, date filed for court for trial, clerk's certification, date judgment paid, and number of warrant issued in payment.	Retain 5 years after close of case.	Keep for audit and review purposes.
C-10. Bond Books, Miscellaneous. Receivers, appearance, costs, etc., bonds, showing names of principal and sureties, style of case, amount and date of bond, condition of the obligation, and signatures of principal and sureties.	*Retain 10 years after release, replacement, or expiration of all bonds in book.	T.C.A. § 18-1-202(a).
C-11. Briefs, Civil Cases. Statements of the case, legal theory and arguments for a party in a case.	*Maintain for 3 years after final disposition of the case, then destroy after notice is given to parties.	Notice permits parties to retrieve records. T.C.A. § 18-1-202(b).

COURTS RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
C-12. Capias. The general name for several types of writs that require an officer to take the body of the defendant into custody; they are writs of attachment or arrest.	*Permanent Record	Original process must be kept permanently. T.C.A. § 18-1-202(a).
C-13. Case Ledgers. Records of case funds received and distributed.	Permanent Record.	Recommended by the comptroller in the Internal Control and Compliance Manual for Tennessee Municipalities.
C-14. Citation. A demand that the defendant cited appear in court at a stated time to answer to a misdemeanor or civil offense charge. The citation states the name and address of the person cited, the name of the issuing officer, and the offense charged.	*Permanent Record	Original process must be kept permanently. T.C.A. § 18-1-202(a).
C-15. Cost Bonds, Civil Cases. Bonds executed to insure payment of court costs, showing names of plaintiff and defendant, amount and date of bond, condition of the obligation, and signatures of principal and sureties.	*Maintain for 3 years after final disposition of the case, then destroy after notice is given to parties.	T.C.A. § 18-1-202(a).
C-16. Court Action Reports.	Retain 10 years	Keep for audit purposes.
C-17. Criminal Actions, Record of. All original process, case papers, and documents in criminal cases, including judge's orders, in both felony and misdemeanor cases.	*Permanent Record	T.C.A. § 18-1-202(a).
C-18. Delinquent Tax Collection Reports. Copies of the reports made by the clerk to the cities, county, and state of tax collections in litigation, showing docket number, case number, names of complainant and respondent, amount collected, total, and date of report.	*Retain 10 years.	T.C.A. § 18-1-202(a).
C-19. Detainer Warrants. Instrument authorizing the keeper of a prison to keep a person in custody. Shows name of person in custody, length of time to be detained, and signature of issuing official.	*Retain 10 years.	T.C.A. § 18-1-202(a).
C-20. Discovery Records, Civil Cases. Interrogatories, depositions, and other legal devices to obtain information concerning a case prior to trial.	*Maintain for 3 years after final disposition of the case, then destroy after notice is given to the parties.	Notice permits parties to retrieve records. T.C.A. § 18-1-202(b).
C-21. Distress Warrants and Warrant Stubs. Original warrants and warrant stubs issued against persons, showing	If court action results, retain until final	Keep for audit purposes.

COURTS RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
name and address of person for whom warrant is issued, date of issue, amount of tax due, fees, and penalties.	settlement of case; if no court action, retain 5 years.	
C-22. Executions. Writs or orders providing that an act or course of conduct be carried out.	*Retain 10 years after issuance.	T.C.A. § 18-1-202(a).
C-23. General Account Ledgers (execution docket). Ledger accounts or funds received from payments of judgments and court costs; money distributed by the clerk showing style and number of case, date of collection, name of person from whom received, and amount; date of payment, name of payee, number of check issued, and amount; may show cash book and page number from which entry was posted.	*Permanent Record.	T.C.A. § 18-1-202(a).
C-24. General Index. Index to all original case papers, showing file number and names of complaint and respondent.	*Permanent Record.	Necessary for use of other permanent records.
C-25. Habeas Corpus, Writs of. Writs issued to change the place of trial, to move from custody of one court to another, directing that a detained person be produced, etc.	*Permanent Record.	Original process must be kept permanently. T.C.A. § 18-1-202(a).
C-26. Judge's Opinions. Statements by the judge of the decision reached in regard to a cause heard before him relating the laws as applied to the case and giving reasons on which the judgment is based.	*Permanent Record.	T.C.A. § 18-1-202(a).
C-27. Litigation Tax Reports. A record of all state and city litigation taxes collected by the clerk showing number of cases and amount received.	Retain 10 years after last entry.	Keep for audit purposes.
C-28. Minute Books and Indexes. Minutes show the course and proceedings in all cases from their origin to termination, giving name of defendant, offense charged, date of trial, verdict, and sentence of the court.	Permanent Record.	Necessary for use of other permanent records.
C-29. Mittimuses. Commitments to jail, showing name of person committed, offense charged, name of prosecutor, amount of bail, date, and signature of clerk of the court.	*Retain 10 years.	T.C.A. § 18-1-202(a).
C-30. Municipal Court with Concurrent Jurisdiction Docket Book, Criminal (State). Dockets showing date of trial, case number, name of defendant, action of the court, name of returning officer, and list of witnesses claiming fees.	Permanent Record.	Keep permanently as a basic record of the actions of the court.
C-31. Processes Served, Record of. Record of warrants, capiases, summonses, and other papers served.	Retain 3 years after last entry. Note: Do not confuse this record with original process that must be	Keep for audit purposes.

COURTS RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
	kept as a permanent record to comply with T.C.A. § 18-1-202(a).	
C-32. Receipts for Papers. Record of all files and papers removed from the office, showing date and by whom taken, and date returned.	Retain until all files and papers are returned.	Working papers as defined in T.C.A. § 10-7-301(14).
C-33. Reports, Municipal Court with Concurrent Jurisdiction. Duplicates of monthly reports to the county and the state of all revenue collected by the clerk, showing dates of quarter, from whom received or source of collection, costs, fees and mileage of witnesses, and fees, commissions and emoluments of the sheriff, his deputies, constables, game wardens, state highway patrolmen, and other officers for services to the court, the fines and forfeitures adjudged by the court, and all other funds coming into the hands of the clerk and judge.	Retain 10 years after clerk's tenure is broken.	Keep for audit purposes.
C-34. Rule Dockets and Indexes. A record of original processes issued and files incident to cases tried in court, showing number of case, date and hour filed, names of complainant, respondent, and solicitors; also date and nature of process, names of bondmen, date process served, note of officer's return, and rules and orders of the court.	*Permanent Record	T.C.A. § 18-1-202(a).
C-35. Search Warrants. A written order issued in the name of the state and directed to a law enforcement officer commanding him to search a specific house, business establishment, or other premises.	*Retain 10 years.	T.C.A. § 18-1-202(a).
C-36. Subpoenas. Copies of summonses to appear in court as witnesses in lawsuits, showing name of person summoned, day and hour to appear, in whose behalf, and signature of the clerk.	*In criminal cases, retain 10 years. *In civil cases, retain 3 years.	T.C.A. § 18-1-202.
C-37. Summonses. A writ notifying a person that a court action has commenced against him and that he is required to appear on a day named and answer the complaint in such action.	*Permanent Record	T.C.A. § 18-1-202(a).
C-38. Trial Exhibits and Evidence. Any evidence and exhibits presented at trial that become part of the record of the case.	*Retain 10 years after final judgment, unless local rule of court provides for a different retention period.	T.C.A. § 18-1-202(a).
C-39. Unclaimed Funds, Record of. Record of funds in hands of clerk unclaimed for 7 years and turned over to the	*Permanent Record	Keep record for audit purposes and a reasonable period

COURTS RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
state, showing style of case, case number, respondent, and amount.		to allow interested parties to make inquiries.
C-40. Warrants. Writs issued in both civil and criminal cases requiring an officer of the law to arrest the person named therein and bring him before the court to answer charges of some offense that he is alleged to have committed.	*Permanent Record	T.C.A. § 18-1-202(a).
C-41. Witness Books. Record of witnesses appearing in court cases, showing date of court term, style of case, names of witnesses for complainant, names of witnesses for respondent, number of days attended, miles traveled, amount due, and date of payment.	*Retain 10 years after last entry.	T.C.A. § 18-1-202(a).

*Indicates a mandatory retention period based on state and federal law.

Election Records

Reference Number: MTAS-684

ELECTIONS RECORDS RETENTION SCHEDULES		
Description of Record	Retention Period	Legal Authority/Rationale
D-1. Candidate List. List of candidates participating in elections	Retain 4 years after election or for duration of term.	Based on standard election cycle.
D-2. Certificate of Election. Copies of original certificate provided to elected officials.	Retain 4 years after election or for duration of term.	Based on standard election cycle.
D-3. Election Result	Permanent Record.	Has historical significance.
D-4. Precinct Maps. Geographical descriptions of polling units.	Permanent Record.	Possible historical significance.
D-5. Public Notices. Copies of all public notices published by the election commission.	Retain 4 years after election or for duration of term.	Based on standard election cycle. May be useful in future elections.
D-6. Reapportioned Records (if city has districts or wards).	Retain until next reapportionment.	May have legal significance until completion of next reapportionment. May assist in next reapportionment.

Engineering

Reference Number:

MTAS-685

ENGINEERING RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
E-1. Aerial Photographs. Aerial photographs of flyovers. Negatives may be available at the state Department of Transportation's photographic lab.	Permanent Record.	Keep for operational purposes through reappraisal appeals process and greenbelt recertification appeal period. This record series has high historical and archival value and should be preserved for those reasons.
E-2. Bridge and Street Project Files, Federal, State and Local. Project files, including contracts and invoices.	Retain 7 years after completion of project.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
E-3. Building Plans. Blueprints and specifications for all municipal building including school buildings.	Retain for life of the building (plus additional time if litigation arise from building's early demise). Consider donating to archive.	Necessary for maintenance and operation of physical plant.
E-4. City Street List. Record of all streets under control of the city.	Permanent Record	Necessary for street regulation and maintenance and to protect street department from allegations of working on private property.
E-5. Complaints. Citizen service request for maintenance and repair issues.	Retain 5 years.	Could constitute notice of unsafe condition.
E-6. Deeds, Easements, Highway Rights-of-way, etc. Instruments of conveyance of interests in real property. Show signature of property owner, date, width of easement, and name of road.	Permanent record in city recorder's office.	Recorded copy is necessary to preserve city property rights, City should retain its own copy as record of its property rights.
E-7. Maps and Map Books. City and civil district maps as well as single parcel maps (not part of subdivision).	Permanent Record.	Keep for historical purposes.
E-8. Ownership maps and index, Rural and Urban. These maps reflect the status of real property as of January 1 of each year.	Retain only current and one previous generation of ownership maps and indexes. Older generations of photographs may be removed from the office but if removed, should be transferred to an archive or library.	Useful in office for tracking property changes and as evidence in challenges to tax sales. This record series has a high historical and archival value and should be preserved for those reasons.

ENGINEERING RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
E-9. Plats, Plat Books, Surveyors' Books and Indexes. Drawings of subdivisions, cemeteries, utilities, city lots and street improvements showing name of subject, date drawn, boundaries, scale used, location, name of engineer making survey, name of draftsman, and register's certificate of registration.	Permanent Record.	Necessary for maintenance and operation of city infrastructure. Eligible for recordation. T.C.A. § 13-3-402
E-10. Sign Inventory. List of all traffic signs and traffic signals in the city.	Retain a current copy at all times.	Necessary to track inventory and maintenance of signs.
E-11. Underground Utilities, Location of. Record of location of all underground utilities maintained by the city.	Permanent Record.	Necessary for maintenance and operation of city infrastructure. NOTE: Under T.C.A. § 65-31-105, the city must record location of utilities with county, listing where the facilities are located and the name, title, address and telephone number of the operator's representative. The county keeps this record permanently.
E-12. Work Orders. For repair and maintenance of streets, traffic signs, traffic signals, and utilities.	Retain 5 years.	Evidence in lawsuit.

Finance Records

Reference Number: MTAS-686

FINANCE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
F-1. Accounts Paid Files and Ledgers. Paid invoices filed by vendor showing company, date, amount, date paid, and invoice number. Ledgers show name of vendor, amount of each invoice, amount paid on each account, and amount outstanding.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
F-2. Accounts Payable.	Retain 10 years.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
F-3. Accounts Receivable.	Retain 10 years.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance</i>

FINANCE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
		<i>Manual for Tennessee Municipalities.</i>
F-4. Annual Reports to City Officials. Submitted by city departments, boards, or agencies.	Permanent Record.	Keep for historical purposes.
F-5. Appropriation Ordinance or Resolution. Record of appropriations made by the municipal legislative body for maintenance of city offices and departments, and for the payment of claims against the city, showing date of meeting, date claim filed, to whom payable, nature of claim or purpose of appropriation, and amount.	Permanent Record.	Keep for audit and historical purposes.
F-6. Audit Reports. All audit reports relative to city finances. Audit reports show name of office, name of fund or account, account of all receipts and disbursements, date of audit, and signature of auditor.	Permanent Record.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> . Audit working papers of an internal audit staff are confidential. See 2013 Pub. Chptr. 15. NOTE: T.C.A. § 6-56-104 requires the city to place a copy of the audit in the main branch of the public library.
F-7. Bank Deposit Books. Bank books showing name and location of bank, and amounts and dates of deposits.	Retain 6 years plus 1 year after last entry.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109
F-8. Bank Deposit Slips. Slips showing name and location of bank, and amounts and dates of deposits.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109
F-9. Bank Statements. Statements showing name and location of bank, and amounts and dates of deposits, amounts and dates of check withdrawals, and running balance.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109
F-10. Bids, On Equipment and Supplies. Records showing bidder's name, complete description of item(s), delivery date, amount of bid, and any correspondence with bidder. Include record of unsuccessful bids in this file.	Retain 7 years after contract expires.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109
F-11. Bonded Indebtedness, Record of. Register book shows bond issue, date, and amount set up by year; as bonds and	Bonds and coupons may be destroyed 15	Based on procedures established in T.C.A. § 9-21-123.

FINANCE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
coupons are returned, these are shown in the book. Other records include trust indenture, loan agreements, bond counsel opinion, documentation on expenditure of bond proceeds, copies of management contracts and research agreements, documentation of all sources of payment or security for the bonds, and documentation of investment of bond proceeds. Other records may also include documentation specific to any single and multifamily housing bonds and small issue industrial development bonds.	years after the maturity date of such bonds.	Based on the length of time a bond payee has to take action against the issuer T.C.A. § 28-3-113.
F-12. Budget Records and Reports. These pertain to the general fund and the street fund, debt service fund, the general purpose school fund and all other city funds. They show anticipated revenues, anticipated expenditures for the year, and fund balance at the end of the year.	The annual budget is preserved permanently in city legislative body minutes. Retain other budget records and reports 5 years.	Keep for audit purposes.
F-13. Canceled Checks. Canceled checks showing date check issued, name of bank on which drawn, check number, to whom payable, purpose of payment, amount of check, and date canceled.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
F-14. Cash Journals. Records of all receipts and disbursements as distributed to various city accounts, showing date of entry, amount, source of receipt or purpose of payment, amount of debit or credit, and name of account credited or charged.	Permanent record.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> . Comptroller's office considers the record important for demonstrating patterns in investigations of misappropriation of funds. Prior to the advent of general budgetary practices, the Recorder's Cash Journal was the best record for tracking the total revenue stream of the city and has historical value. For this reason, older records should be kept permanently.
F-15. Cash Reconciliation Report. Shows balances at beginning of the month, outstanding checks, cash balances, checks issued during month, checks paid, cash and outstanding checks at end of the month.	Retain 1 year after audit.	Keep for audit and review purposes.

FINANCE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
F-16. Check Books. Books containing stubs of checks issued by the recorder showing check number, date issued, name of payee, amount, and purpose of payment.	Retain 7 years after date of last check.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109
F-17. Check Stubs. From all city accounts and accounts of all departments.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109
F-18. Development and Proposal Files. Reports, planning memos, correspondence, studies, and similar records created for and used in the development of grant proposals submitted to state or federal agencies and contracts relating to the grant.	Retain all unsuccessful applications for 5 years. Retain all records regarding grants that are received for life of grant plus 7 years.	Keep unsuccessful proposals in case of appeal or for administrative use in re-application. Keep records of grants received based on statute of limitations for contract actions. T.C.A. § 28-3-109.
F-19. Financial Report to City Legislative Body. (1) General; (2) Final – Report gives information on different accounts, balances on last report, receipts, disbursements, commissions, transfers, balances on this report, totals, bank balances of city accounts in different banks, and classification of receipts (sources received from, e.g., state, local, etc.). Reports of street department chief administrative officer and other officials when required by law.	Permanent Record.	These reports should be recorded in the minutes of the city legislative body. Permanent retention is recommended by the comptroller in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
F-20. General Ledger Accounts. Record of all receipts and disbursements for the various city accounts, showing date of entry, amount, source of receipt or purpose of payment, amount of debit or credit, and name of account credited or charged.	Permanent Record.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
F-21. General (Miscellaneous) Receipt Ledgers. Record of funds received on general accounts, including such payments as state and city taxes, interest, fees, and penalties on delinquent taxes, showing date of payment, name of payer, amount, funded credited, and balance. This information is included in the journal package of most software in computerized cities. If stored electronically in compliance with electronic data processing standards, paper copy is not necessary.	Retain 7 years after last entry. If stored electronically, retain 7 years after date of creation of record.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.

FINANCE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
F-22. Grant Documentation and Files. Records and materials regarding grants applied for and/or money received through state and federal grants.	Retain for life of grant plus 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
F-23. Investment Ledgers. Surplus cash investments, rate of interest, date, and amount collected.	Retain 10 years.	Keep for audit purposes and to address arbitrage concerns.
F-24. Invoices. Original invoices, purchase orders, and requisitions used in purchasing goods.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
F-25. Miscellaneous Receipts from other Offices Receiving Money, Records of. Records of receipts collected by other city offices and departments. Examples: fees collected by the ambulance service, building permits, etc.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
F-26. Receipt Books. Receipts for revenue collected, showing from whom received, date receipt given, receipt number, amount and purpose of payment, and account credited. Receipts may be or may have been issued for funds received from other city offices for payments or transfer tax, delinquent taxes, state funds, utilities tax, etc. Receipts may be loose rather than in books.	Retain 7 years after last entry. If stored electronically, destroy file 7 years after date of creation. Additional copies of the receipts that are not needed for any purpose are working papers that may be destroyed as soon as it is determined they are superfluous.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
F-27. Sale Tax report. Report from the state showing total tax collection less cost of state collection. Report shows amounts distributed to incorporated municipalities.	Retain 10 years.	The record series is kept longer than the usual audit standard in case of dispute regarding city/county distribution of revenues.
F-28. Travel Authorizations.	Retain 5 years.	Keep for audit purposes.
F-29. Unclaimed Funds, Record of. Records of funds in hands of official unclaimed for 7 years and turned over to state, showing information about source of funds and amount.	Retain 10 years.	Keep record for audit purposes and a reasonable period to allow interested parties to make inquiries.

Fire Records

Reference Number: MTAS-687

FIRE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
G-1. Arson Investigation Reports.	Retain 30 years or until the convicted perpetrator is released from prison, whichever is longer.	Keep for use if there is a new trial.
G-2. Bloodborne Pathogens/ Infectious Material Standard. Protects employees who may be occupationally exposed to blood or other infectious materials. Written Exposure Plan Medical Records Training Records Employee Exposure Records	No retention period specified. *Retain for duration of employment plus 30 years. *Retain 3 years. *Retain 30 years.	Occupational Safety and Health Act (29 C.F.R. 1910.1030). Occupational Safety and Health Act (29 C.F.R. 1910.1020). Occupational Safety and Health Act (29 C.F.R. 1910.1030). Occupational Safety and Health Act (29 C.F.R. 1910.1020).
G-3. Burn Permits. Record of permission granted for open burning within the city limits.	Retain 2 years unless issued in conjunction with a building permit, in which case retain until certificate of occupancy granted.	General recommendation is based on statute of limitations for malicious burning plus one year. Recommendation for burn permits issued with building permits based on the increased likelihood of a lawsuit against the city before certificate of occupancy is granted.
G-4. Fire Incidents Reports.	Retain 5 years. Consider donating to archive.	Keep to track history of property, loss claims, repeats. Retention term based on statutes of limitations for foreseeable causes of action.
G-5. Fire Safety Inspection and Similar Reports. Reports made by Tennessee Department of Insurance, Division of Fire Prevention, or local fire department showing date, name of inspector, location inspected, etc.	Retain current inspection report until new inspection report is received, as a minimum. Retaining 3 years is recommended.	Keep for enforcement purposes. Keeping one generation back allows the department to show a history of inspection.

FIRE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
G-6. Firefighter Annual Certification of Fitness to Perform Job Functions.	*Retain until next certification completed to comply with OASH. Retaining 3 years is recommended.	Required by OSHA. (29 C.F.R. 1910.156(b)(2)) and (29 C.F.R. 1910.135 (m)). Department of Labor can request information going back 3 years. Retention allows the fire department to show a history of testing and compliance.
G-7. Firefighter Annual Facemask Fit Test Records.	Retain until next certification completed to comply with OSHA. Retaining 3 years is recommended.	Required by OSHA. (29 C.F.R. 1910.156 (f)) and (29 C.F.R. 1910.135 (m)). Department of Labor can request information going back 3 years. Retention allows the fire department to show a history of testing and compliance.
G-8. Material Safety Data Sheets (MSDSs). Employers must have an MSDS on file for each hazardous chemical they use and ensure that copies are readily accessible to employees in their work area. Employer must keep records of chemicals used, where they were used, when they were used and for how long.	No specific time-must be maintained in a current fashion. Retain for 30 years.	Occupational Safety and Health Act (29 C.F.R. 1910.1020(d)(1)(ii)(B)). Occupational Safety and Health Act (29 C.F.R. 1910.1020(d)(1)(ii)(B)).
G-9. Physical/ Medical Records. Complete and accurate records of all medical examinations require by OSHA law.	Retain for duration of employment plus 30 years unless specific OSHA standard provides a different time period.	Occupational Safety and Health Act (29 C.F.R. 1910.1020).
G-10. Medical Records of Patients in EMS Run Records. Patients medical histories, reports, summaries, diagnosis, prognosis, records of treatment, medication, X-ray and radiology interpretation, physical therapy charts and lab reports.	Retain 10 years following discharge of patient or patient's death during treatment. For patients under mental disability or minority, records should be retained for period of minority or disability plus 1 year or 10 years following discharge, whichever is longer. X-ray film may be disposed of after 4 years when radiologist's interpretation is made.	T.C.A. §§ 68-11-305 and 68-140-519.

FIRE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
G-11. Radio and Telephone Logs. Dispatching and telephone communications with outside agencies.	Retain 5 years.	Keep for use in defense of lawsuits. Retention term based on statutes of limitations for foreseeable causes of action.
G-12. Training Records.	Retain for duration of employment plus 3 years.	Proof of training for ISO and OSHA.
G-13. Vehicle and Equipment Maintenance Records.	Retain for life of vehicle or equipment plus 1 year.	Determination of replacement, proof of maintenance; possible tort action.

*Indicates a mandatory retention period based on state or federal law.

Fleet Services

Reference Number: MTAS-688

FLEET SERVICES RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
H-1. Vehicle and Equipment Purchase and Maintenance Records.	Retain for life of vehicle or equipment plus one year.	Determination for replacement, proof of maintenance; possible tort action.

General Administration

Reference Number: MTAS-689

GENERAL ADMINISTRATION RECORDS RETENTION SCHEDULE			
Description of Record	Retention Period	Legal Authority/Rationale	
I-1. Affidavits of Exemption from Business Licenses under T.C.A § 67-4 – 712. Affidavits of blind persons or disabled former members of the armed services made for the purpose of obtaining free ad valorem or privilege license, showing duration of service, nature of disability, if any, amounts of affidavit, signature of affiant, and clerk's acknowledgment.	If license is granted, retain until expiration of license plus 10 years; if license not granted, retain 1 year.	Keep for audit purposes. T.C.A. § 67—4-712 (a).	
I-2. Alcoholic Beverage Commission Applications.	If application granted, retain for life of permit. If application denied, retain for 1 year past final action.	Retain successful applications for audit purposes. Retain denied applications to have available in	

GENERAL ADMINISTRATION RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
		case of appeal(s) under T.C.A. § 27-9-101 <i>et seq.</i>
I-3. Bankruptcy, notice of.	Retain 11 years.	Based on statute of limitations for collection of property taxes, plus 1 year. T.C.A. § 67-5-1806.
I-4. Beer Applications and Permits. The application and permits issued to persons selling legalized beverages (beer), Showing name of licensee, business address, date issued, permit number, and signature of beer board approving the issuance of the license.	Retain 5 years after the permit is terminated.	Keep for audit purposes.
I-5. Beer Tax Reports and Receipts. Reports from wholesale beer distributors showing brands of beer, number of units sold, unit prices, and tax remitted. Receipts from money submitted should also be in file.	Retain 3 year.	Source documents must be kept by wholesalers and retailers for 2 years T.C.A. § 57-5-206(b).
I-6. Business and Privilege Licenses. Original applications and licenses to engage in business or for exercising taxable privileges, showing name of applicant, kind of license, duration of license, date filed, and signature of applicant; fee/tax paid; and license number.	Retain 5 years after license has expired.	Keep for audit purposes.
I-6A. Business tax returns. Returns filed under the Business Tax Act under T.C.A. § 67-4-715.	Retain 7 years after January of the year in which the taxes accrue.	T.C.A. § 67-1-1501(a); Westinghouse Electric Corp. v. King 678 S.W. 2nd 19 (Tenn. 1984).
I-7. Contracts. Contracts between the city and other contractors.	Retain 7 years after termination of contract.	Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109.
I-8. Contracts, Construction. Contracts between the departments and contractors for construction work, showing name contractor, date, building specifications, and amount of consideration.	Retain 7 years or until expiration of guarantees. If no guarantees are involved, retain 7 years after	Based on statute of limitations for actions for breach of contract plus 1 year. T.C.A. § 28-3-109.

GENERAL ADMINISTRATION RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
	completion of contract.	
I-9. Correspondence Files. Correspondence with citizens and government officials regarding policy and procedures or program administration.	Generally retain based on subject matter or 5 years, whichever is longer, but appraise for continuing administrative usefulness or historical value. (See "E-mail" below.)	Maintain for reasonable period of time in case of continued action related to the correspondence.
I-9A. E-mail. [1] Spam and other e-mails that will not be relevant to any litigation. [2] E-mails relative to contracts. [3] E-mails that might be relevant to tort litigation. [4] E-mails relative to personnel status of employees. [5] Other e-mails.	[1] May be discarded immediately. [2] Retain seven years or until expiration of guarantee. [3] Retain 2 years. [4] Retain 5 years. [5] Retain based upon subject matter (see other provisions in retention schedule) or 5 years, whichever is longer, but appraise for continuing usefulness or historical value.	[1] No requirement for retention. [2] Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109. [3] Based on statute of limitation for tort action plus 1 year. [4] Various statutes of limitations and requirements in differing statutes. [5] Maintain for reasonable time in case of continued action.
I-10. Deeds for City Properties, Copies of. Copies of warranty deeds.	Destroy when obsolete or when purpose of retention has been served.	Working papers as defined in T.C.A. § 10-7-301(14). Filed permanently with the county register of deeds.

GENERAL ADMINISTRATION RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
I-11. Facility Inspection and Maintenance Records. Records documenting inspection of and repairs or improvements made to municipal buildings and structures.	Retain 5 years.	Possible significance in tort cases.
I-12. Fixed Assets. Comprehensive inventory of all fixed assets.	Retain 5 years after disposal of property.	Audit standard authorized by Tenn. Admin. Rule 0520-1-2-.13.
I-13. General (Nonfinancial) Monthly and Quarterly Reports to City Officials. Reports from all departments, boards, or agencies of the city. These reports should be recorded in the minutes of the legislative body.	These are working papers to keep until the information is incorporated into the minutes or an annual report. If not included in the minutes or no annual report is prepared, retain monthly and quarterly reports for 2 years.	Useful in preparing budgets in following years.
I-14. Insurance Policies. Insurance policies of all types insuring the city and all its departments for various risks of loss, showing name of company, name of agent issuing policy, date of policy, date of expiration, amount of premium, amount of coverage, and description of any property covered.	Retain 10 years after expiration or replacement of policy.	Based on statute of limitations for breach of contract actions plus 1 year. T.C.A. § 28-3-109.
I-15. Leases (Real Property). Copies of leases or rental contracts on real estate, showing names of lessor and lessee, description of property, terms of the contract, date of execution, and signatures of parties involved.	Permanent record.	Keep to track property rights. Note: If lease is more than 3 years, eligible for recordation under T.C.A. § 66-24-101(a) (15).
I-16. Leases and Agreements for Use of Equipment.	Retain 7 years after completion or expiration of lease or agreement.	Based on statute of limitations for breach of contract actions plus 1 year. T.C.A. § 28-3-109.
I-17. Legal Opinions and Court Decisions. Records, including correspondence, stating or referencing court decision or legal opinions dealing with or affecting the department.	Retain 20 years or until record no longer relevant, whichever is later.	Court opinions can have continuing

GENERAL ADMINISTRATION RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
		impact on operations.
I-18. Liens, Tax. Record of tax lien notices filed against property owners, including violators of the internal revenue law, showing name and address of property owner, date of filing, amount of assessment and penalty, and discharge notice date.	Permanent record.	Impractical to ascertain expiration of lien to know when record could be destroyed.
I-19. Minutes of City Legislative Body. Recorded minutes of the meetings of the municipal legislative body, including special call meetings. All recorded actions of the legislative body, including records of members present and their votes on matters of business presented, nature and results of votes; various items such as fixing the tax levy, adopting a budget, receiving financial reports from city officials and departments, appropriating funds for the maintenance and operations of city offices and institutions, and other items of a similar nature.	Permanent record.	City charter requirement, T.C.A. §§ 8-44-101, et seq. (Open Meetings law). Keep also for historical purposes.
I-20. (Rough) Minutes and Roll Calls of City Legislative Body. Notes taken at meeting of city legislative body and used to compile minutes. Includes audio tapes.	Retain until minutes are approved by city legislative body.	Working papers as defined in T.C.A. § 10-7-301(14).
1-21. Minutes of Other Boards. Minutes of the meetings of other boards, such as a planning commission, utility board, beer board, etc., including members present, votes, and actions taken.	Permanent record. NOTE: Rough minutes are working papers and may be destroyed after final version of minutes is approved.	Actions recorded in minutes are effective until superseded/ amended or rescinded/ repealed. Also keep for historical purposes.
I-22. Motor Vehicle City Stickers. Copies of applications for city stickers for motor vehicles; evidence of compliance.	Retain 5 years.	Keep for audit purposes.
I-22A. Mutual Aid Documents. Declarations of a state of emergency, written requests for assistance, invoices for reimbursement.	Retain 2 years.	Keep for possible litigation purposes.
I-23. Official Bonds and Oaths of City Officials. Loose and bound original and recorded copies of the bonds and oaths of all officials required to file official bonds and/or oaths with the city recorder. Originals of many of the official bonds of city officials and constables have been deposited with the state comptroller of the treasury since 1957. Bonds generally show name of principal and sureties, amount of bond, date executed, condition of the obligation, date acknowledged and approved, signatures	Retain 10 years after term covered by bond or oath.	Based on statute of limitations for actions on public officers' bonds. T.C.A. § 28-3-110.

GENERAL ADMINISTRATION RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
of principals, sureties and attorney-in-fact for bonding company, if any.		
I-24. Ordinances. Code of Ordinances and ordinance books, copies of amended and repealed ordinances; resolutions.	Permanent record.	Charter requirements. Ordinances must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded ordinances have historical and legal value.
I-25. Pawnbroker's Licenses, Applications for and related Records. Record of application for pawnbroker's license, related affidavits and certificates, copies of bonds or insurance policies.	Retain 5 years after license is terminated.	Permits do not expire after a certain term. Keep record for audit purposes and to maintain accurate record of licensed pawnbrokers.
I-26. Powers of Attorney, Record of. Record of legal appointment of persons to act as agents for individuals or estates in such matters as signing documents, giving receipts, collecting and distributing funds, paying utility deposits and bills; shows name of appointee and person making appointment, date of appointment, and contains requirements of notarization.	Retain permanently or until power of attorney is formally revoked.	Keep for audit purposes.
I-27. Privilege Licenses – See Business and Privilege Licenses.		
I-28. Reports of City Officials, Departments, Commissions, and Committees. Reports submitted to the municipal legislative body containing date on finances, work performed, plans, personnel, etc. Some reports submitted annually at the end of the fiscal year. These reports should be recorded in the municipal legislative body's minutes.	If reports are not recorded in legislative body's minutes, preserve permanently one copy of annual reports, or if there is no annual report, preserve permanently one copy of all monthly, quarterly, or semiannual reports. In	The city recorder's office serves as a repository of these reports, which constitute a historical record of the operation of the various offices, departments, and committees of the city.

GENERAL ADMINISTRATION RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
I-29. Settlement Agreements. Instruments evidencing the settlement of claims against the city.	Retain 7 years after the terms of the agreement have been met.	Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109.

Permits Records

Reference Number: MTAS-690

PERMITS RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
J-1. Approval Permit Applications for Solid Waste Disposal Facilities. Records of all data and supplemental information used to complete permit applications. Includes copy of permit and the approved Part I and Part II application. Maintain as the facility or another location with the approval of the department.	Retain throughout active life of the facility and through the post-closure care period.	Keep to show compliance with regulations in order to defend against Superfund liability. Tenn. Admin. Rules 1200-1-7-.02(2)(a)4, 1200-7-7-.02(4) (a)7.
J-2. Building Permits, Inspections, Certificates of Occupancy, Copies of. Show name of owner, amount of money to be expended, type of structure, location, date, and name of contractor.	Retain 5 years after issuance of certificate of occupancy or final inspection.	These are used to find new construction. These records are also used in state audits, which must occur at least once every 3 years, of cities that choose to enforce their own codes. T.C.A. § 68-120-101(b)(2)(C). In addition, T.C.A. § 28-3-202 provides for a four year statute of limitations on injuries from the date of substantial completion. Retention of one additional year will allow for any dispute of such date. NOTE: Notify property assessor of completion before record is destroyed.
J-3. Contractor License Books. Recorded copies of certificates of license issued to general contractors by the state Board for Licensing General Contractors showing certificate number, name of contractor, names of chairmen and secretary of the state board, date certificate issued, date recorded, and signature of the clerk.	Retain 5 years after all licenses in the book have expired.	Keep for audit purposes.

PERMITS RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
J-4. Demolition Orders. Documentation for municipal-ordered and privately initiated demolitions of substandard and/or hazardous buildings.	Retain 5 years.	Retain for research and litigation purposes.
J-5. Violation Notices. Notices of violations of building codes.	Retain 5 years.	Retain to document municipal actions concerning violations and for reference purposes.

Personnel

Reference Number: MTAS-691

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
K-1. Advertisements Regarding Job Openings, and records of Promotions, Training Programs, and Overtime Work.	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).
K-2. Age Records.	*Retain 3 years.	Fair Labor Standards Act (29 C.F.R. 516); Age Discrimination in Employment Act (29 C.F.R. 1627.3).
K-3. Americans with Disabilities Act – Employer Records. Request for reasonable accommodations.	*Retain 2 years.	Same employer record retention requirements as the Civil Rights Act of 1964 as Amended; Title VII of the Civil Rights Act (29 C.F.R. 1602.31).
K-4. Applications, Resumes, or Other Replies to Job Advertisements, including Temporary Positions, etc.	Retain 5 years from date record was made or human resources action was taken, whichever is later. NOTE: If the city has adopted a policy of not accepting unsolicited resumes, they do not have to be retained. Otherwise, they should be kept 5 years.	28 U.S.C § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).
K-5. Bloodborne Pathogens/Infectious Material Standard. Protect employees who may be occupationally exposed to blood or other infectious materials. [1] Written exposure plan.	[1] Retention period not specified. Must be available to workers and kept current. [2] *Retain for duration of employment plus 30 years. [3] *Retain 3 years.	[1] Occupational Safety and Health Act (29 C.F.R. 1910.1030)

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
<p>[2] Medical records.</p> <p>[3] Training records.</p> <p>[4] Employee exposure records.</p>	[4] *Retain 30 years.	<p>[2] Occupational Safety and Health Act (29 C.F.R. 1910.1020)</p> <p>[3] Occupational Safety and Health Act (29 C.F.R. 1910.1030)</p> <p>[4] Occupational Safety and Health Act (29 C.F.R. 1910.1020)</p>
<p>K-6. Citizenship or Authorization to Work. Immigration and Naturalization Services Form I-9 (employment eligibility verification form) for all employees hired after November 6, 1986.</p>	Retain 3 years from date of hire or year after separation, whichever is later. (Minimum 3 years.)	Immigration Reform and Control Act (8 C.F.R. 274A.2).
<p>K-7. Contracts, Employee. Contracts between city and employee.</p>	Retain until 7 years after termination of employment.	Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109.
<p>K-8. Contracts, Personal Service of Independent Contractor. Contracts between the city and independent contractors.</p>	Retain 7 years after termination of contract.	Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109.
<p>K-9. Demotion Records (See also transfer, layoff, termination).</p>	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> , 541 U.S.—(2004).
<p>K-10. Discrimination or Enforcement Changes. Personnel records relevant to a charge of discrimination or enforcement against employer, including records relating to charging party and to all other employees holding positions similar or sought after, such as application forms or performance documentation.</p>	*Retain until final disposition of charge of action.	Age Discrimination in Employment Act (29 C.F.R. 1627.3(b) (3)). Title VII of the Civil Rights Act (29 C.F.R. 1602.31). Executive Order 11246.
<p>K-11. Drug Testing Records (Required by Department of Transportation).</p> <ul style="list-style-type: none"> • Breath alcohol test with results of .02 or higher. • Positive controlled substance test. • Documentation of refusal of test. 	<p>*Retain 5 years.</p> <p>*Retain 2 years.</p>	<p>Omnibus Transportation Employee testing Act of 1991 (49 C.F.R. 40.83, 49 C.F.R. 653.71(b)).</p> <p>49 C.F.R. 40.83</p>

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
<ul style="list-style-type: none"> • Calibration documentation. • Evaluation of referrals. • Copy of calendar year summary. • Substance abuse professional reports. • Records related to administration of drug and alcohol testing. • Follow-up tests and schedules for follow up. • Information on the alcohol and controlled substances testing process. • Records of inspection and maintenance. • Information on training. • Negative and canceled controlled test results. • Alcohol test results of less than .02 alcohol concentration. 	<p>*Retain as long as individual performs the function plus 2 years.</p> <p>*Retain 1 year.</p>	<p>.49 C.F.R. 40.83</p> <p>49 C.F.R. 653.71 (b).</p>
<p>K12. EEOC Information. Records kept by local governments. Any political subdivision with 15 or more employees must keep records and information that are necessary for completion of Report EEO-4 (Local Government Information Reports) regardless of whether or not the political jurisdiction is required to file a report.</p>	<p>*Retain 2 years from the date making the record or personnel action whichever occurs later.</p>	<p>29 C.F.R. 1602.31</p>
<p>K-13. Employee Earnings Records.</p>	<p>*Retain office record for 3 years.</p> <p>After this time, microfilm or archive record and keep for 70 years.</p>	<p>Age Discrimination in Employment Act (29 C.F.R. 1627.3); Fair Labor Standards Act (29 C.F.R. 516.5). Retention period of 70 years is due to retirement concerns and is based on approximate lifespan of employee. May destroy earlier if employee and any potential claimants are deceased</p>
<p>K-14. Employer Information Report. For political jurisdictions with 100 or more employees and other political jurisdictions with 15 or more employees from whom the commission requests as</p>	<p>*Retain a copy of the report as each central office for 3 years.</p>	<p>Title VII of the Civil Rights Act (29 C.F.R. 1602.32).</p>

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
EEO-4 report, a copy of EEO-4 form (Employer Information Report) must be kept.		
<p>K-15. Employer Records of leave Under FMLA – Non-Exempt Employees. Employers shall keep records pertaining to their obligations under the act in accordance with the record keeping requirements of the Fair Labor Standards Act (FLSA). Records kept must disclose the following.</p> <ul style="list-style-type: none"> • Basic payroll identifying employee data (name, address, and occupation), rate or basis of pay and terms of compensation, daily and weekly hours worked per pay period, additions to or deductions from wages, total compensation paid. • Dates FMLA leave is taken. • Hours of the leave if FMLA is taken in increments. • Copies of employee notices of leave furnished to the employer and copies of all general and specific notices given to employees. • Documents describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leave. • Premium payments of employee benefits. • Records of any dispute between employer and an employee regarding the designation of leave as FMLA leave. 	*Retain 3 years. No particular order or form of records is required.	Family and Medical Leave Act (29 C.F.R. 825.500)
<p>K-16. Employment Contracts –FLSA. Individual employment contracts (where contracts or agreements are not in writing, a written memorandum summarizing the terms), including collective bargaining agreements, plans and trusts.</p>	Retain for 5 years.	Fair Labor Standards Act (29 C.F.R. 516.5) Equal Pay Act (29 C.F.R. 1620.32 (b)) 28 U.S.C. § 1658.
<p>K-17. Employment Tax Record.</p>	Retain 4 years.	Internal Revenue Code (29 C.F.R. 31.6001-1).

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
<p>K-18. Family and Medical Leave Act (FMLA) Employer Records of Leave Under FMLA – Exempt Employees. If employees are not subject to FLSA's record-keeping regulations for purposes of minimum wage or overtime compliance, an employer need not keep a record of actual hours worked provided that:</p> <ul style="list-style-type: none"> • Eligibility for F MLA leave is presumed for any employee who has been employed for 12 months; and • A written record is maintained as to the agreement between the employer and employee regarding reduced or intermittent leave and the employee's normal schedule or average hours. 	<p>*Retain 3 years. No particular order or form of record is required.</p>	<p>Family and Medical Leave Act (29 C.F.R. 825.500)</p> <p>Family and Medical Leave Act (29 C.F.R. 825.110)</p> <p>Family and Medical Leave Act (29 C.F.R. 825.206)</p>
<p>K-19. Garnishment Documents. Federal garnishment laws are enforced under the Fair Labor Standards Act. (Refer to "Payroll Records – Additions or Deductions from Wages Paid.")</p>	<p>*Retain 3 years.</p>	<p>Fair Labor Standards Act (29 C.F.R. 516.5) requires 3-year retention. Equal Pay Act (29 C.F.R. 1620.32 (c) requires 2-year retention. Keep to comply with longer period.</p>
<p>K-20. Group Health Insurance Coverage After Certain Qualifying Events. Employers need records showing covered employees and their spouses and dependents:</p> <ul style="list-style-type: none"> • Have received written notice of continuing group health insurance and COBRA rights; and • Whether the employee and his or her spouse and dependents elected or rejected coverage. 	<p>Retain 7 years.</p>	<p>Internal Revenue Code (26 C.F.R. 54.4980B).</p>
<p>K-21. Hiring Records.</p>	<p>Retain 5 years from date records are made or personnel action is taken, whichever is later.</p>	<p>28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i>, 541 U.S. 369 (2004).</p>
<p>K-22. Insurance/Retirement Plans.</p> <ul style="list-style-type: none"> • Benefit plan descriptions. 	<p>*Retain during the period that the plan or system is in effect, plus one year after the termination of the plan.</p>	<p>Age Discrimination in Employment Act (29 C.F.R. 1627.3 (b) (2)).</p> <p>Employee Retirement Income Security Act (29</p>

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
<ul style="list-style-type: none"> Records providing the basis for all required plan descriptions and reports necessary to clarify the information, including vouchers, worksheets, receipts, and applicable resolutions. 	*Retain not fewer than 6 years after filing date of documents	C.F.R. 2520.101-1 through 2520.104b-30).
K-23. Layoff Selection.	Retain 5 years from date record made or professional action taken.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).
K-24. Material data Safety Sheets (MSDSs). <ul style="list-style-type: none"> Employers must have MSDSs on file for each hazardous chemical they use and ensure that copies are readily accessible to employees in their work area. Employer must keep records of chemicals used, where they were used, when they were used and for how long. 	<p>No specific retention time set by statute. Must be maintained in a current fashion.</p> <p>*Retain 30 years.</p>	<p>Occupational Safety and Health Act (29 C.F.R. 1910.1020 (d) (1) (ii) (B).</p> <p>Occupational Safety and health Act (29 C.F.R. 1910.1020 (d) (1) (ii) (B).</p>
K-25. Minimum Wage and Overtime Charges. See also the following in this section: <ul style="list-style-type: none"> Citizenship or authorization to work. Americans with Disabilities Act – Employer Record Insurance/Retirement Plans Occupational Injuries and Illness. Payroll – Basis on which wages are paid. Physical/Medical Exams. Veterans – Military Leave. 	*Retain 3 years.	Fair Labor Standards Act (29 C.F.R. 516.6) requires retention for 2 years, but Department of Labor can request documents going back 3 years.
K-26. Occupational Injuries and Illness Records. OSHA Form 300 Log of Work Related Injuries and Illnesses. OSHA Form 300A Summary of Work Related Injuries and Illnesses. OSHA Form 301 Injury and Illness Incident Report (effective January 1, 2002).	<p>*Retain 5 years following the end of the year to which records relate.</p> <p>*Retain 5 years following the end of the year to which records relate.</p> <p>*Retain 5 years.</p>	<p>Occupational Safety and Health Act (29 C.F.R. 1904.9)</p> <p>Occupational Safety and Health Act (29 C.F.R. 1904.9)</p>

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
		Occupational Safety and Health Act (29 C.F.R. 1904.9)
<p>K-27. Older Workers Benefit Protection Act – Employer Records. Same employer records retention requirements as the Age Discrimination in Employment Act (ADEA). Waiver of Age Discrimination in Employment Acts rights.</p>	<p>*Retain 3 years to comply with statute. Retaining as a personal record is recommended.</p>	<p>Age Discrimination in Employment Act (29 C.F.R. 1627.3, 29 C.F.R. 1602.30) Keeping waiver forever will assure that record is available to use in defense of an Older Workers Benefit Protection Act waiver of rights discrimination charge.</p>
<p>K-28. Payroll Records – Additions or Deductions from Wages Paid. All records used by the employer in determining additions to or deductions from wages paid.</p>	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).
<p>K-29. Payroll Records – Age Discrimination in Employment Act. Payroll or other records containing each employee's name, address, date of birth, occupation, rate of pay, and compensation earned per week.</p>	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).
<p>K-30. Payroll Records – Basis on Which Wages are Paid.</p> <ul style="list-style-type: none"> • The basis on which wages are paid must be documented in sufficient detail to permit calculation for each pay period. The records may include payments of wages, wage rates, job evaluation, merit and incentive programs, and seniority systems. • The basic reason for these records is to give the Wage and Hour Division an indication of whether or not sex discrimination exists. • Although there is no specific form furnished by the Wage and Hour Division to calculate benefits costs, the data necessary to calculate these costs should be readily available to Wage and Hour audit personnel. 	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
<p>K-31. Payroll Records for FLSA-Exempt Employees. (Bona fide executive, administrative, and professional employees).</p> <ul style="list-style-type: none"> • Name of employee (as used for Social Security purposes) and identifying number or symbol, if such is used on payroll records. • Home address, including ZIP code. • Date of birth if under 19 years of age. • Sex and occupation. • Time of day and day of week in which employee’s workweek begins, if this varies between employees; otherwise, a single notation for the entire establishment will suffice. • Total wages paid each pay period. • Dates of payment and pay period covered. 	<p>Retain 5 years.</p>	<p>28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i>, 541 U.S. 369 (2004).</p> <p>Records of hours worked are recommended for Department of Labor Wage and Hour Audits.</p>
<p>K-32. Payroll Records – FLSA Non-Exempt Employees. All required for exempt employees plus:</p> <ul style="list-style-type: none"> • Regular hourly rate of pay for any week when overtime is worked and overtime compensation is due. (May be in the form of vouchers or other payment data.) • Daily hours worked and total hours worked each work week. (Workday may be any consecutive 24-hour period, and work week is any fixed and regularly recurring period of 7 consecutive days.) • Total daily or weekly straight-time earnings or wages due for hours worked during the workday or work week. 	<p>Retain 5 years.</p>	<p>28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i>, 541 U.S. 369 (2004).</p>

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
<ul style="list-style-type: none"> • Total premium pay for overtime hours. This premium pay for overtime hours excludes the straight-time earnings for overtime hours recorded under the above item. • Total additions to or deductions from wages paid each pay period, including employee purchase orders or wage assignments. Also, in individual employee records, the dates, amount, and nature of the items that make up the total additions and deductions. 		
K-33. Payroll Records – Title VII Purposes. Rates of pay or other terms of compensation.	Retain 5 years from date record is made or personnel action taken, whichever is later.	28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).
K-34. Permit – Required Confined Space. Canceled permit entry forms and training certification.	*Retain 1 year.	Occupational Health and Safety Act (29 C.F.R. 1910.146(e) (6)), (29 C.F.R. 1910.146 (g) (4).
K-35. Personnel Files. File for each employee tracking pay, benefits, performance evaluations, personnel actions, and employee’s hiring and termination.	Retain 7 years after termination. NOTE: *Retain medical records for 30 years after termination. *Retain exposure records for at least 30 years.	Based on 5-year statute of limitations for personnel actions plus 2 years. (29 C.F.R. 1910.1020 (d) (1)).
K-36. Personnel Policies. Policies of the office regarding hiring procedures, leave, benefits, personnel rules and regulations, fair and reasonable complaint conference and hearing procedures for employees dismissed, demoted, or suspended, etc. Certain policies are required under T.C.A. §§ 6-54-123, et seq. Additional policies would be optional. The policy may not grant a property right or contract rights to a job to any employee.	Retain 3 years after the policy is superseded. NOTE: A copy of the resolution or ordinance adopting the policy, or its caption, shall be published in a newspaper of general circulation in the municipality before final adoption. A copy of the personnel policy shall be kept in the office of the city recorder or clerk and made available to an employee upon request.	28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).
K-37. Physical/Medical Records. Results of physical examinations	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
considered in connection with personnel action.		
<p>K-38. Physical/Medical Records Under FMLA. Records and documentation, including an FMLA leave request relating to medical certifications, re-certifications, or medical histories of employees or employee's family members shall be maintained in separate files/records and be treated as confidential medical records, except that:</p> <ul style="list-style-type: none"> • Supervisors and managers may be informed regarding necessary restrictions and accommodations, not the true nature of the condition. • First aid and safety personnel may be informed (when appropriate) if the employee might require emergency treatment. • Government officials investigating compliance with FMLA shall be provided relevant information. 	<p>*Retain 3 years. No particular order or form of records is required.</p>	<p>Family and Medical Leave Act (29 C.F.R. 825.500)</p>
<p>K-39. Physical/Medical Records Under OSHA. Complete and accurate records of all medical examinations required under OSHA law.</p>	<p>Retain for duration of employment plus 30 years unless specific OSHA standard provides a different time period.</p>	<p>Occupational Safety and Health Act (29 C.F.R. 1910.1020).</p>
<p>K-40. Promotion records or Notices.</p>	<p>Retain 5 years from date record is made or personnel action is taken, whichever is later.</p>	<p>28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i>, 541 U.S. 369 (2004).</p>
<p>K-41. Seniority or Merit rating Systems.</p>	<p>Retain for the period that the plan or system is in effect plus 5 years.</p>	<p>28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i>, 541 U.S. 369 (2004).</p>
<p>K-42. Termination Records.</p>	<p>Retain 5 years from the date the record is made or personnel action taken, whichever is longer.</p>	<p>28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i>, 541 U.S. 369 (2004).</p>
<p>K-43. Time Worked Records. All basic time and earnings cards or sheet and work production sheets of individuals where all or part of the employee's earnings are determined.</p>	<p>Retain 5 years.</p>	<p>28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i>, 541 U.S. 369 (2004).</p>

PERSONNEL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
K-44. Transfer Records.	Retain 5 years from the date record is made or personnel action taken, whichever is later.	28 U.S.C. § 1658; <i>Jones v. R.R Donnelley & Sons Co.</i> , 541 U.S. 369 (2004).
K-45. Travel Authorizations.	Retain 5 years after creation of record.	Keep for audit purposes.
K-46. Veterans, Military Leave. Organizations must grant leaves of absence to perform military obligations. Service limits are set on the amount of time an employee may spend on active duty and still be eligible for reemployment. Employees are reemployed to their former positions or a position of like status and pay with seniority and vacation as if they had not taken military leave.	Retain 7 years.	Uniform Services Employment and reemployment Rights Act (5 C.F.R. 1208). NOTE: Retention period not specified by regulations. The service limit on the time an employee may spend in active duty and still be eligible for reemployment can be up to 5 years.
K-47. W-2s. Annual wage and tax statements.	Retain 7 years.	Keep for audit purposes.
K-48. W-4s. Withholding allowance certificates.	Retain 5 years after superseded or upon separation of employee.	Keep for audit purposes.
K-49. Wage Rate Tables. All tables or schedules (from their last effective date) of the employer that provide rates used to compute straight-time earnings, wages, or salary or overtime compensation.	*Retain 3 years.	Fair Labor Standards Act (29 C.F.R. 516.6) requires 2-year retention, but Department of Labor can request records going back 3 years.

*Indicates a mandatory retention period based on state and federal law.

Planning and Zoning Schedule

Reference Number: MTAS-692

PLANNING and ZONING RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
L-1. Board of Zoning Appeals Action. Application or documentation for hearing and decision before Board of Zoning Appeals.	Application – 1 year after the application. Disapproval – 1 year after action. Approved Action	Statute of Limitations. Variance runs with land.

PLANNING and ZONING RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
	– permanent record.	
L-2. Minutes of Commissions and Boards. Recorded minutes of the planning commission and board of zoning appeals. All recorded actions of planning commission and board of zoning appeals, including records of members present and their voted on matters presented, the nature and results of votes.	Permanent record.	Actions recorded in minutes are effective until superseded or rescinded. Keep for historical purposes.
L-3. Plan and Plat Records. Drawings and blueprints of farms, subdivisions, cemeteries, city lots, and street improvements, showing name of subject, date of drawing, boundaries, scale used, location, name of engineer making survey, name of draftsman, and certificate of registration.	Permanent record.	Could have bearing on land title.
L-4. Reports/Recommendations of the Planning Commission to the Governing Body. All transmittals to governing body with recommendations regarding zoning, annexations, etc.	Permanent record.	Keep for historical purposes.
L-5. Request for Zoning Change. Request for permanent change to zoning map.	Retain for 5 years.	Appeals.
L-6. Studies and Reports of the Planning Commission. All studies and reports, including comprehensive plans, future facilities plans, etc.	Permanent record.	Keep for historical purposes.
L-7. Subdivision Regulations.	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.
L-8. Zoning Map and Ordinance.	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.

Police Records Schedule

Reference Number: MTAS-693

POLICE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
M-1. Accident Reports. Motor vehicle accident reports giving location of the accident, persons and vehicles involved, time of accident, injuries, witnesses, diagram of accident, and condition of persons involved.	Retain 4 years unless needed longer for local statistical analysis.	Record may be used in litigation. Retention period bases on statute of limitations for actions for injury to personal property plus 1 year. T.C.A. § 28-3-105.
M-2. Armory Records. Records regarding acquisitions, requisitions, check-ins, etc.	Retain for 10 years.	Keep in case of potential liability.
M-3. Arrest Records. Includes offense and incident reports and indexes citation in lieu of arrest form. Information includes name, alias, address, date and time of offense, date of birth, age, place of birth, description, place of arrest, charge, disposition at time of arrest, warrant number, name of court, accomplices, vehicle information, arresting officer, remarks, signature of arresting officer.	Retain 100 years. If subject is found “not guilty”, then original arrest records should be retained until the records are transferred to an acceptable storage medium such as microfilm. If subject is convicted, retain original until exhaustion of all appeals or termination of probation or sentence; further, the originals are not to be destroyed thereafter until transferred to an acceptable space-saving medium for storage or the retention period has elapsed. Arrest index card should remain active until the death of the subject, which can be presumed 100 years after the event. Consider donating to the archive.	Retaining originals is necessary for continuing investigation purposes. Retaining record in space-saving storage medium is based on life if individual.
M-4. Case Files. Copies of all pertinent records for whatever nature relevant to a particular case under or pending investigation, accumulated in a single file by the investigator or the agency to facilitate the investigation or prosecution of offenders. May include copies of incident reports; supplementary report; missing persons/ runaway report; arrest report if part of criminal case file; copies of citation-in-lieu of arrest; property receipt; vehicle tow slip; statement form; blood alcohol test and accident report; other relevant reports; and relevant photos or drawings.	Retain originals until 1 year after statute of limitations has run. After statute of limitations has run, retain in an acceptable space-saving medium 100 years except for Missing Persons/ Runaway records; which are not to be destroyed if needed by juvenile authorities, and destruction should not violate National Crime Information Center (NCIC) requirements. (NCIC requirements may vary based on specific contract provisions.) Consider donating to archive.	Retaining originals is necessary for continuing investigation purposes. Retaining record in space-saving storage medium is based on life of individual.
M-5. Fingerprint Records.	Death of subject or reasonable presumption of death, i.e., 100 years.	Retention period based

POLICE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
	NOTE: See T.C.A. § 37-1-155 for detailed information regarding treatment of fingerprint records of juveniles.	on life of subject.
M-6. Identification Files. Records kept for identification purposes, including fingerprints, photographs, measurements, descriptions, outline pictures, and other available information.	Death of subject or reasonable presumption of death, i.e., 100 years.	Retention period based on life of subject.
M-7. In Patrol Dash Camera Video.	<p>Retain as long as needed for administrative purposes when the video captures no criminal activity, arrest, conduct related to criminal activity, acts that could create civil liability for the law enforcement agency or conduct that could result in an internal affairs investigation.</p> <p>When a video captures criminal activity or acts that create potential civil liability for the law enforcement agency, the video should be maintained until the statute of limitations runs on the criminal activity or the civil liability (one year for civil rights claims or three years for property damage claims). See Tennessee Code Annotated Title 39 for classifications of criminal offenses and T.C.A. §§ 40-2-101 and 40-2-102 for applicable statute of limitations for the offenses.</p> <p>When the video captures conduct that could result in an internal affairs investigation, the video should be maintained until the investigation is concluded.</p> <p>When the video captures an arrest, the video should be maintained until the final adjudication of the case, through the appeals process.</p>	
M-8. Incident Reports (Offense or Complaint Reports). Show name and address of person reporting offense, file and case number, place of occurrence, investigating officer, time, date, how report was made, and officer assigned to the case. May include dispatcher cards regarding calls. This includes Tennessee Basic Law Enforcement Records System (TBLERS) Complaint, Offense, Supplementary, Missing	<p>Retain misdemeanors for 2 years. Retain felonies for 16 years. Retain capital offenses permanently.</p> <p>If record is unrelated to a felony or other case under investigation, retain original 5 years if stored in an acceptable space-saving storage medium. If record is related to a felony or other case under investigation, retain 100 years except for Missing Person/Runaway Records, which are not to be destroyed if needed by</p>	Retention period based on statute of limitations of incident.

POLICE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
Person, Runaway Reports (individual and collective).	juvenile authorities, and destruction should not violate National Crime Information Center (NCIC) requirements. (NCIC requirements may vary based on specific contract provisions.)	
M-9. Internal Investigation Records. Records of investigations resulting from a complaint against an employee of the police department. Includes notification of complaint, investigation files, any associated medical files, and any written decisions, orders, or disciplinary actions. Maintain security and confidentiality of files.	Retain for term of employment of officer or 10 years, whichever is longer.	Record retains significance in personnel decisions, promotion, dismissal, etc., and for defense of litigation.
M-10. Missing Persons/Runaway Records.	Retain 100 years but not to be destroyed if needed by juvenile authorities or to comply with National Crime Information Center (NCIC) requirements. Moving information to an acceptable space-saving storage medium is recommended.	Retention is necessary for continuing investigation purposes and is based on life of individual.
M-11. Mittimuses (Committal Records). Commitments to jail, showing name of person committed, offense charged, name of prosecutor, amount of bail, date, and signature of judicial officer.	Retain 10 years.	Record may be used as back-up documentation for board bill and cost summaries.
M-12. Parking Tickets.	Retain 3 years.	Statistical data.
M-13. Processes Served, Record of. Record of warrants, capiases, summonses, and other papers served.	Retain 3 years after last entry.	Keep for nonfinancial audit purposes.
M-14. Radio Logs. A record of radio calls giving time called, car or station calling, car or station called, car location, nature of call, and acknowledgement.	Retain 3 years, unless legal action is pending.	Retention period based on likely time of complaint or legal action.
M-15. Traffic Citations, Copies. (Originals are kept by court. See page 36 on court records.)	Retain 3 years.	Statistical data.
M-16. Training Records. Records of participation in training programs,	Retain for career of officer plus 10 years where information is kept in personnel file.	Records useful to make employment

POLICE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
sign-in sheets, lesson plans, videotapes, certifications, etc.		and promotion decisions and for continuing education program. Also, vital record in defending lawsuits against department alleging improper actions of employees.

Property Tax Records

Reference Number: MTAS-695

PROPERTY TAX RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
N-1. Aerial Photographs. Aerial photographs of flyovers. Negatives may be available at the State Department of Transportation' photographic lab.	Permanent record.	Keep for operational purposes through correction period and greenbelt recertification to cover appeal period. This record series has high historical and archival value and should be preserved for those reasons.
N-2. Appeals and Reports to the State Board of Equalization and Court Appeals. These records consist of notice of hearing, name of property owner, appeal from county board of equalization, assessment, address, and time and place of hearing. Also included in this group of documents are documents involving appeal to the courts. Consider getting copies from the assessor's office.	Retain until final determination of issue.	Keep to make certain the ruling is properly applied and that all parties understand the final determination of the issue.
N-3. Assessment Exemptions, Applications for. Copies of applications showing property owner's name, address, ward or district, date acquired, lot size or acreage, value, how property used, other purposes to be used for, signature of applicant, and notarization. Consider getting copies from the assessor's office.	Retain 2 years.	Keep to identify exempt property owners.

PROPERTY TAX RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
N-4. Board of Equalization, Certification of Assessment, Copies of. Certificate required by T.C.A. § 67-5-1410 wherein members of board of equalization certify that all appeals of assessments and classifications of property have been examined and changes made that are proper, just, and equitable and are prescribed by law. Consider getting copies from the assessor's office.	Retain 2 years.	Keep for audit purposes.
N-5. Certificates of Public Utilities Tax Valuations by Office of State Assessments, Copies of. Tax roll listing total assessment of public utilities in the city by the Office of State Assessed Properties.	Retain annual assessment 1 year then destroy. State office maintains the record.	This record is like a tax roll for public utilities that are assessed by the state.
N-6. Delinquent Real Estate Tax Reports. Annual reports to the county trustee by the collector of city taxes of all delinquent taxpayers.	Retain 15 years after date of creation.	Keep for audit purposes. Report is required by T.C.A. § 67-5-1903 (a). Collection is barred after 10 years past due date. T.C.A. § 67-5-1806.
N-7 Delinquent Tax Receipt Books. Receipts issued for payment of delinquent realty and personal taxes, showing receipt number, date issued, name of taxpayer, amount, year of assessment, etc. Does not have to be kept in book. The book or receipt is obsolete if computerized and in compliance with electronic data processing (EDP) standards.	Retain 15 years after issuance of last receipt in book or 15 years after creation of receipt if not in book or information is stored electronically.	Keep for audit purposes. Collection is barred after 10 years past due date. T.C.A. § 67-5-1806.
N-8. General (Miscellaneous) Receipt Ledgers. Record of funds received on general accounts, including such payments as state and city taxes, interest, fees, and penalties on delinquent taxes, showing date of payment, name of payor, amount, fund credited, and balance. The information is included in the journal package of most software in computerized cities. If stored electronically in compliance with electronic data processing (EDP) standards, paper copy is not necessary.	Retain 15 years after last entry. If stored electronically, retain 15 years after date of creation of record.	Keep for audit purposes. Collection is barred 10 years past due date. T.C.A. § 67-5-1806.
N-9. Land Sold for Taxes, Record of. Record of court land sales, showing name of the court, style of case, location and description of property, by what process land was sold, and date of sale.	Permanent record.	Record affects land title.
N-10. Liens, Tax. Record of tax lien notices filed against property owners, including violators of the internal revenue law, showing name and address of property owner date of	Permanent record.	Impractical to ascertain expiration of lien to know when record could be destroyed.

PROPERTY TAX RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
filing, amount of assessment and penalty, and discharge notice date.		
N-11. Personal Property, Audit Records. Supporting information and documentation for audit. Consider getting copies from the assessor's office.	Retain 2 years.	Retain in case of forced assessments. Destroy after use.
N-12. Property Tax Relief Application and Reports. Record of property tax deferrals for elderly low-income homeowners, disabled homeowners, and disabled veterans.	Retain until audited and updated version received.	Working paper as defined in T.C.A. § 10-7-301—(14). Tenn. Admin. Rules 0600-03.-10(1)(c).
N-13. Tax/Assessment Rolls. Record of all assessments on real and personal property., showing name of taxpayer, civil district or ward, location and description of property, assessed valuation, date of assessments, acreage of farm land, and number of town lots.	Retain 4 years.	Retention based on time period for corrections and rollback issues. This record is stored for a longer term with the trustee.
N-14. Tax Bills.	Retain 1 year.	Working papers.
N-15. Tax Cases Sent to Clerk and Master, Record of. Record of delinquent land tax cases filed in chancery court (sometimes circuit court) showing property owner's name, district or ward, property boundaries, acres, valuation, total tax due, and remarks.	Retain 15 years.	General statute of limitations on property tax actions is 10 years from April 1 of year taxes following year became delinquent. T.C.A. § 67-5-1806. Additional time is given for cases that may be delayed due to bankruptcy.
N-16. Tax maps (Ownership Maps and Index, Rural and Urban). These maps reflect the status of real property as of January 1 of each year.	Consider keeping as working papers. Retain only current and one previous generation of ownership maps and indexes. Older generations of photographs may be removed from office but if removed should be transferred to archive or library.	As working papers, no mandatory retention required. Useful in office for tracking property changes and as evidence in challenges to tax sales. This record series has a high historical and archival value and should be preserved for those reasons, although it is not necessary to maintain the older records that are in assessor's office.

Purchasing Records

Reference Number: MTAS-696

PURCHASING RECORDS RETENTION SCHEDULE		
Description of record	Retention Period	Legal Authority/ Rationale
O-1. Bids. Records showing bidder's name, complete description of item(s), delivery date, amount of bid, and any correspondence with the bidder. Includes any advertisements. Includes unsuccessful bids.	Retain 7 years after contract expires.	Based on statute of limitations for legal action based on breach of contract plus 1 year. T.C.A. § 28-3-109.
O-2. Contracts. Contracts between the city and other contractors.	Retain 7 years after termination of contract.	Based on statute of limitations for actions for breach of contract. T.C.A § 28-3-109.
O-3. Minutes of Bid Openings. Record of bid openings showing item, vendor, bid price, and whether bid was successful.	Retain 1 year after award.	Necessary in case of challenge to bid award.
O-4. Purchase Orders.	Retain 5 years after creation of the record.	Keep for audit purposes.
O-5. Requisitions and Requisitions for Purchase. Records for requests for supplies and equipment in cities with centralized purchasing departments or offices.	Retain 5 years after creation of the record.	Keep for audit purposes.
O-6. Street Contracts and Bonds. Contracts entered into between city and street contractors for the construction and upkeep of roads. May include bonds of contractors guaranteeing compliance with terms of contracts, showing names of principals and sureties, description, specifications, amount of consideration, dates of bonds, and signatures of principals and sureties, showing name of contractor, date, building specifications, and amount of consideration.	Retain contracts until expiration of guarantees. If no guarantees are involved, destroy 7 years after completion of the contract. Retain bonds 7 years after release, replacement, or expiration.	Based on statute of limitations for breach of contract actions plus 1 year. T.C.A. § 28-3-109.

Recreation and Parks

Reference Number: MTAS-699

RECREATION and PARKS RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
P-1. Liability Releases. Forms signed by participants in recreation activities absolving municipality of liability.	Retain 2 years. (If subject of lawsuit, keep until final determination.)	Based upon statute of limitations for tort actions plus 1 year.
P-2. Rosters of Activity Participants. Lists of persons participating in recreation activities.	Retain 2 years. (If subject of lawsuit, keep until final determination.)	Based upon statute of limitations for tort actions plus 1 year.
P-3. Safety Inspections of Playgrounds and Equipment. Records of inspections and maintenance or repairs to grounds and equipment.	Retain 5 years. (If subject of lawsuit, keep until final determination.)	Possible significance in tort actions based upon defective structure.
P-4. Swimming Pool Records. Records relative to swimming pool use, including users, safety measures, and chemicals.	Retain 2 years. (If subject of lawsuit, keep until final determination.)	Based upon statute of limitations for tort actions plus 1 year.

School Records

Reference Number: MTAS-700

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
Q-1. Accountability for 200 Days. Record details use of 200 days and in-service training.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13. T.C.A. § 49-6-3004.
Q-2. Annual Report of Professional Personnel. Report made to the Tennessee Department of Education listing alphabetically all teachers and other professional personnel in the school system. This report shows for each professional the name of the school assigned, grades taught, whether full time or part time, and the number of months paid. The report also shows the number of principals, the number of teachers or other professionals in the school, kinds of certificates or permits, expiration date,	Retain 10 years before eligible for destruction. NOTE: This record may be useful as a back-up to payroll records for determining retirement status. Consider keeping this record 40 years if there is any question of availability or accuracy of payroll records.	Audit standard authorization by Tennessee Department of Education Administration Rule 0520-1-2-.13. (No retention schedule in rule.)

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
and data on training, experience, salary, and such other information as required by the Tennessee Department of Education.		
Q-3. Attendance Agreements of Out-of-District and Out-of-State Students. Agreements from the superintendent of education regarding students attending schools out of the district or state in which student resides.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration rule 0520-1-2-.13.
Q-4. Audits of Internal School Activity Funds. Audit report of activity funds handled by individual schools.	Permanent record.	T.C.A. § 6-56-105.
Q-5. Audits of Local School Systems. Audits of funds administered by superintendent of education showing date of audit, balances under previous audits, receipts and disbursements, balances carried forward, and total figures.	Permanent record.	T.C.A. § 6-56-104.
Q-6. Budget, Annual Operating. Annual approved budget document conforming to standards of the Tennessee Department of Education. Document shows anticipated revenues from all sources and estimated expenditures for the fiscal year.	Retain 5 years.	Audit standard authorization by Tennessee Department of Education Administration Rule 0520-1-2-.13.
Q-7. Building Plans. Blueprints and specifications for buildings in the city school system.	Retain for life of building (plus additional time if litigation could arise from a building's early demise). Consider donating to archive.	Necessary for maintenance and operation of physical plant.
Q-8. Bus Operator's Bonds (Blanket Bonds). Yearly bonds, executed by school bus drivers acting as independent contractors, to insure faithful performance of the driver as specified in contract with the city school system.	Retain 3 years after release, replacement, or expiration of the bond, or 3 years after termination of the contract.	Keep for reasonable period of time for claims to be made against bond.
Q-9. Career Ladder – Certification Recommendation Form. Record advances of licensed personnel through credentialing system.	Permanent record. Must be photographically recorded in procedure approved pursuant to T.C.A. § 10-7-501. Keep originals for 1 year, then either return originals to	Tennessee Department of Education Administration Rule 0520-2-2-.07.

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
	educator if requested, or destroy them.	
Q-10. Career Ladder – Local Evaluation Report Form for Probationary, Apprentice and Career Level I Teachers. Report results of local evaluation of teachers.	*Permanent record. Must be photographically recorded in a procedure approved pursuant to T.C.A. § 10-7-501. Keep originals for 1 year after certification decision including appeals, then return originals to educator, if requested, or destroy them.	Tennessee Department of Education Administration Rule 0520-2-2-.07.
Q-11. Census Records. Census of all school-age children in the city, showing name, age, and address of child; district number, names of parents, grade in school, and name of school attended. This record is no longer required.	Permanent record.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
Q-12. Certificates and Certificated Personnel. Permanent certificates issued to employed teachers and other certificated personnel by the Tennessee Department of Education.	Retain until employment of the person is terminated; then return to the person or to the next of kin if the person is deceased.	Necessary record for length of employment.
Q-13. Contracts, Construction. Contracts between the school system and contractors for construction work, showing name of contractor, date, building specifications and amount of consideration.	Retain 7 years or until expiration of guarantees. If no guarantees are involved, retain 7 years after completion of contract.	Based on statute of limitations for actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
Q-14. Contracts, Employee. Contracts between board of education and all employees.	Retain until 7 years after termination of employment.	Based on statute of limitations for actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
Q-15. Contracts, Personal Service of Independent Contractor. Contracts between the board of education and operators of school buses and other independent contractors.	Retain 7 years after termination of contract.	Based on statute of limitations for actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
Q-16. Cumulative Pupil Record. Record of each pupil in the school system, showing the	Permanent record.	Historical document. Proof

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
pupil's name , address, parents' names and occupations, complete school record, achievement test results, health record, school activities and counselors' notes, and other information deemed appropriate by the Tennessee Department of Education.		of education. Keep permanently to comply with procedures established by the Tenn. Dept. of Education Office of Accountability.
Q-17. Deeds. Original deeds to school property, showing date, description, and location of property, consideration, and signature of grantor.	Permanent record.	Establishes property rights.
Q-18. Eighth Grade Graduates Report. Duplicates of reports to the Tennessee Department of Education of those eligible to receive diplomas, showing year of graduation, name of school, name of student, and date of report. This record is no longer required.	Permanent record.	Historical document. Proof of education.
Q-19. Federal Title Projects Records. Record of federal "title" projects of all types, including funds received and disbursed.	Current year records plus the previous 3 years of records must be maintained. Other records to facilitate an effective audit, whether in process or not, must be maintained. (An example of this is International Association of Sound and Audiovisual Archives (IASA), Title I projects, which are written for 5 years. Toward the end of the 5 – year cycle, records should not be destroyed so that an effective audit can be conducted.)	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
Q-20. Final BEP Accountability Summary. Report showing how the local school district has spent improvement funds received from the state through the Basic Education Program (BEP).	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
Q-21. Financial Report, Annual Public School. An annual report of the school system's financial condition made to the Tennessee Commissioner of Education.	Retain 10 years. NOTE: These reports can be important for research purposes and performing statistical analysis of the school	Audit standard authorized by Tennessee Department of Education Administration

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
	system. May want to keep for 25 years for those purposes.	Rule 0520-1-2-.13.
Q-22. Fire Safety Inspection and Similar Reports. Duplicates of reports made by the Tennessee Department of Insurance, Division of Fire Protection, showing date, name of inspector, name and location of school, condition, etc.	Retain until new inspection report is received.	Important for liability purposes to keep a record of the most recent inspection.
Q-23. Fixed Assets. Comprehensive inventory of all school assets.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Role 0520-1-2-.13.
Q-24. General Ledger Accounts. Record of all receipts and disbursements for the department, showing date of entry, amount, source of receipt or purpose of payment, amount of debit or credit, and name of account credited or charged. (Also see F-15 and F-21.)	Permanent record.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13. Permanent retention is recommended by comptroller in the Internal Control and Compliance Manual for Tennessee Municipalities.
Q-25. High School Diploma Certification and Roster of Graduates. List of graduating seniors and preparation of diplomas.	Permanent record.	Important historical value and useful proof of graduation.
Q-26. Home School Registration Form. Application for conducting a home school as described in T.C.A. § 49-6-3050(b). Approved home schools must also provide test results for students at grades 2, 5, 7, and 9. Request for waivers should be included in records as appropriate.	Retain 5 years after student graduates or drops.	Keep for audit purposes.
Q-27. Immunization Records. Described in T.C.A. § 49-6-5002. Original record of immunizations must remain with each pupil's active cumulative folder. Original accompanies	Retain 100 years after student graduates or drops.	Important health record for establishing proof of immunization.

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
pupil's cumulative folder when transferring to another school. A copy of the immunization record should be kept with the pupil's inactive cumulative record.		
Q-28. Insurance Policies. Policies of all types insuring the school system against various risks of loss.	Retain 7 years after expiration or replacement by a new policy; then destroy if all claims on the policy have been settled.	Based on statute of limitations for breach of contract actions plus 1 year. T.C.A. § 28-3-109.
Q-29. Invoices (Also Purchase Orders, Requisitions, etc.). Original invoices, purchase orders, and requisitions used in purchasing goods for the school system.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
Q-30. Legal Opinions and Court Decisions. Records, including correspondence, stating or referring court decisions or legal opinions dealing with or affecting the school system.	Retain 20 years or until record no longer relevant, whichever is later.	Court opinions can have continuing impact on operations.
<p>Q-31 Membership/Attendance Reports. Described in T.C.A. § 49-6-3007.</p> <p>[1] Superintendent's Membership /Attendance Report (S MAR) – District-wide report of membership and attendance in academic, vocational, special education, and adult education for each 20-day reporting period of the school year.</p> <p>[2] Superintendent's Annual Membership/ Attendance report (SAMAR) – District-wide year-end cumulative report of membership and attendance in academic, vocational, special education, and adult education.</p> <p>[3] School-level Monthly Attendance Report – Report of membership and attendance in academic, vocational, special education, and adult education at the school-level.</p> <p>[4] Transportation Report Generated by the Membership/Attendance Information System--School-level report generated by the automated membership/attendance information system that provides statistical data on students transported.</p> <p>[5] Attendance records (teachers' attendance records, sign-in/out rosters, absentee lists)</p>	<p>[1] *Retain 5 years.</p> <p>[2] *Retain 5 years.</p> <p>[3] *Retain 5 years.</p> <p>[4] *Retain 5 years.</p> <p>[5] *Retain 5 years</p> <p>[6] *Retain 5 years</p> <p>[7] *Permanent record</p>	<p>Procedures established by Tennessee Department of Education Administration, Office of Accountability.</p>

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
<p>–records of original entry that document student attendance on a daily basis.</p> <p>[6] Average Daily Membership Special Education Options by Primary and Secondary Report—Report generated by the D&A Census Program showing average daily membership of students receiving special education services for each 20-day reporting period of the school year.</p> <p>[7] File dump from the Membership/Attendance Information System—An electronic file dump from the membership/attendance information system data file, including demographic and event data for each student.</p>		
<p>Q-32. Minutes, Board of Education. Record of regular and called meetings of the board of education, showing place of meeting, date, members present, record of proceedings and action taken, date of final approval and signature of chairman and secretary.</p>	Permanent record.	Actions recorded in minutes are effective until superseded or rescinded. Keep for historical purposes.
<p>Q-33. Monthly Trustee's Report. Monthly record of funds collected, showing amounts distributed to the city school system and to any special school district in the county.</p>	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<p>Q-34. Petitions. Petitions submitted to the superintendent or the board of education requesting the superintendent or the board to take certain actions.</p>	If attached to minutes, retain until acted upon by the board of education. Otherwise, retain 3 years from the submittal date.	Keep for reasonable time in case there are inquiries regarding the petition.
<p>Q-35. Preliminary Report-Grades PK-12 School Report. Report made to Tennessee Department of Education showing school's name, the number of full-time and part-time teachers, the number of boys and girls in each grade for each school, and such other information as the state requires for school approval decisions.</p>	Retain 3 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<p>Q-36. Preliminary Staff Report. Report prepared by each teacher in the local school district and sent to the Tenn. Dept. of Education. The report shows the teacher's classroom assignments period by period.</p>	Retain 3 years.	Keep for reasonable review period.

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
Q-37. Report of School System/School Compliance. Local school district report to the Tennessee Department of Education certifying that the district/school is in compliance with the laws, rules, regulations and minimum standards governing K-12 education.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
Q-38. Requisitions for Equivalency High School Diplomas. Record of students passing GED examination and earning equivalent diplomas.	Permanent record.	Historical document. Proof of education.
Q-39. School Food Service Reports. Described in T.C.A. § 49-6-2303. Record of all pertinent information required by the Tennessee Department of Education dealing with school food service.	Retain all items except payroll records for the current year plus 3 previous years unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is completed.	Audit standard is authorized by the Tennessee Department of Education Administration Rule 0520-1-2-.13.
Q-40. School Registers. Obsolete record. A daily record showing name, grade, age, and address of each pupil, name of parent(s) or guardian(s), school attended, and record of attendance. School records may be computerized or on paper.	Permanent record. This record is no longer created, but old copies should be kept permanently.	Keep for historical purposes.
Q-41. Special Education Census. Detailed account of all students with disabilities with option(s) of service. Required by T.C.A. § 49-10-302 (c) (2) and Tennessee Department of Education Administration Rule 0520-1-9-.03 (4). This record is the basis for state and federal funding.	Permanent record.	Keep in case of litigation regarding services rendered to or withheld from student.
Q-42. Special Education – Certification of Services and Listing of Inappropriately Served and of Suspended Students with Disabilities. Court requires report of number of students with disabilities in special category.	Permanent record..	Keep in compliance with court order.
Q-43. Special Education Record. A cumulative record that contains all specific information relating to the referral process, assessment, placement, and option of service for each special education child. Required by T.C.A. § 49-10-302 (c) (2) and Tennessee Department of Education Administration Rule 0520-1-9.	Permanent record.	Keep in case of litigation regarding services rendered to or withheld from student.
Q-44. Statistical Report, Annual. Report submitted to the Tennessee Department of	Retain 3 years.	Keep as supporting

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
Education by the superintendent showing for each school system the grades in the schools, total enrollment, number of students previously enrolled elsewhere, net enrollment (boys and girls), total number of days present, number of days in the school session, average daily attendance, and other statistical information.		documentation for the annual report by the commissioner of education, which is required by T.C.A. § 49-1-211.
Q-45. Superintendent's Report of Suspensions and Expulsions. End-of-year report containing statistical data on suspensions and expulsion as required by the Tennessee Department of Education.	Retain 3 years.	Keep as supporting documentation for annual report by the commissioner of education, which is required by T.C.A. § 49-1-211(a)(8)(a).
Q-46. System-Wide Personnel Compliance Sheet. Report shows the system-wide personnel by name and teacher number for positions for which there is a state employment standard.	Retain 3 years.	Keep as supporting documentation for annual report required by T.C.A. § 49-1-302 (a) (5) (A) (I).
Q-47. Textbook Reports. [1] Certification of Adoption by Local Board of Education – Official list of adopted textbooks required by T.C.A. § 49-6-2207. [2] Certification of Compliance-Assurance that local system has furnished required textbooks to students, signed by the superintendent. [3] Plan for Estimating School System Expenditures for Library and Instructional Material and Supplies and School Health Services – Report details estimated expenditures for funds allocated for the items noted above.	Retain 7 years after termination date of contract.	T.C.A. § 28-3-109 (a) (3).
Q-48. Transportation Report, Annual Pupil. Report to the Tennessee Department of Education giving information on the age, size, condition, etc. of school buses; average daily transported; and miles traveled.	*Retain 5 years.	Procedure set by Tennessee Department of Education Administration, Office of Accountability, requires that the report be kept for 5 years.

SCHOOL RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
Q-49. Vocational Education Final Expenditure Report. Reports final expenditures for federal reporting and any carryover funds to be allocated.	Retain 3 years.	Audit standard authorized by the Tennessee Department of Education Administration Rule 0520-1-2-.13.
Q-50. Vocational Education – Mgt. Info. Svs. (MIS) Enrollment Form. Record provides statistical data on students and class enrollment necessary for funding purposes.	Retain 3 years.	Audit standard authorized by the Tennessee Department of Education Administration Rule 0520-1-2-.13.
Q-51. Vocational-Technical Education (Adult) Statistical Report. Report class titles, student demographic information, total hours, and funding sources for adult vocational education classes provided by local school districts.	Retain 3 years.	Audit standard authorized by the Tennessee Department of Education Administration Rule 0520-1-2-.13.

*Indicates a mandatory retention period based on state and federal law.

Solid Waste Records

Reference Number: MTAS-701

SOLID WASTE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
R-1. Amount of Solid Waste (in Tons) Received at Municipal Solid Waste Facilities, Record of. Required by T.C.A. § 68-211-871 (e). Records for the current month shall be maintained at the facility and open for inspection by the Tennessee Department of Environment and Conservation. All other records shall be maintained at suitable office space to protect them from damage or loss.	Retain 3 years.	Tenn. Admin. Rule 1200-1-7-.08 (3) Mandatory only if city operates a landfill.
R-2. Annual Report of Materials Collected at Recycling Center by Operator. Copy of annual report of recovered materials processed at the facility, listed by type of material, sent to the Department of Environment and Conservation. Report is required by T.C.A. § 68-211-871.	Retain 10 years.	Retention period based on planning cycle of 10-year regional plan. Mandatory only if city operates a landfill.

SOLID WASTE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
<p>R-3. Approved Permit Applications for Solid Waste Disposal Facilities. Records of all data and supplemental information used to complete permit applications. Includes copy of the permit and the approved Part I and Part II application. Maintain at the facility or another location with the approval of the department.</p>	<p>*Retain throughout the active life of the facility and through the post-closure care period.</p>	<p>Tenn. Admin. Rules 1200-1-7-.02 (a) (2) 4. and 1200-1-7-.02 (4) (a) 7.</p> <p>Keep to show compliance with regulations in order to defend against Superfund liability.</p> <p>Mandatory only if city operates a landfill.</p>
<p>R-4. Closure/Post-Closure Landfill Plan. Plan identifying the steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life, identifying the activities that will be carried on after closure and the frequency of these activities.</p>	<p>*Retain up-to-date plan throughout the active life of the facility and through the post-closure care period.</p>	<p>Tenn. Admin. Rule 1200-1-7-.03 (2) (b) 2. (iii).</p> <p>Keep to show compliance with regulations in order to defend against Superfund liability.</p> <p>Mandatory only if city operates a landfill.</p>
<p>R-5. Gas Migration Control Standard. Records of monitoring to ensure compliance with gas migration control standards. Monitoring must occur at least quarterly and must conform to standards for Monitoring Records listed in R-7.</p>	<p>*Retain throughout the active life of the facility and through the post-closure care period.</p>	<p>Tenn. Admin. Rule 1200-1-7-.04(5) (a) 4.</p> <p>Keep to show compliance with regulations in order to defend against Superfund liability.</p> <p>Mandatory only if city operates a landfill.</p>
<p>R-6. Groundwater Sampling Records. Records of all groundwater sampling activities conducted, sample analysis results, and associated groundwater surface elevation. Keep at the facility or another approved location.</p>	<p>*Retain throughout the active life of the facility and through the post-closure care period.</p>	<p>Tenn. Admin. Rule 1200-1-7-.04 (7) (a) 4. (vii).</p> <p>Keep to show compliance with regulations in order to defend against Superfund liability.</p> <p>Mandatory only if city operates a landfill.</p>
<p>R-7 Monitoring Records. Records of facility monitoring, including date, place, and time of sampling or measurements; individual performing the measurement; date of analysis; individual performing the analysis; analytical techniques used; and the results of the analysis.</p>	<p>*Retain throughout the active life of the facility and through the</p>	<p>Tenn. Admin. Rule 1200-1-7-.02(4)(a)9.</p> <p>Keep to show compliance with regulations in order</p>

SOLID WASTE RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
	post-closure care period.	to defend against Superfund liability. Mandatory only if city operates a landfill.
R-8. Permit-By-Rule Authorizations and Records. Copy of authorization from Dept. of Environment and Conservation to operate as a permit-by-rule facility and additional related records required by the department.	Retain throughout active life of the facility and through the post-closure care period.	Tenn. Admin. Rule 1200-1-7-.02(1)(c)1. Keep to show compliance with regulations in order to defend against Superfund liability. Mandatory only if city operates a landfill.
R-9. Special Waste Approvals and Records. Copies of approvals from the Dept. of Environment and Conservation authorizing a facility to accept special wastes and records of receipt and management of certain special wastes.	Retain throughout active life of the facility and through the post-closure care period.	Tenn. Admin. Rule 1200-1-7-.01 (4) (d) 2. Keep to show compliance with regulations in order to defend against Superfund liability. Mandatory only if city operates a landfill.

*Indicates a mandatory retention period based on state and federal law.

Utilities (Billing and Collection)

Reference Number: MTAS-702

UTILITIES (Billing and Collection) RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authorization /Rationale
S-1. Application for Service. Customer requests for service, including name, address, phone, services, and signatures.	Retain 3 years after service is discontinued but may want to keep in electronic format longer in case customer returns to service.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
S-2. Audit Reports. Independent audit of financial records.	Permanent record.	Recommended by comptroller in Internal Control and Compliance Manual for Tennessee Municipalities.

UTILITIES (Billing and Collection) RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authorization /Rationale
S-3. Billing Adjustment Reports. Customer names and adjustment information.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
S-4. Billing Stubs. Collection stubs of accounts paid.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
S-5. Billing Register. Listing of monthly customer billings (account number, amount, etc.).	Retain 7 years. If record kept in electronic format, the paper copy may be destroyed after audit.	Keep to help resolve billing disputes with customers.
S-6. Collection Agency Reports. Listing of accounts turned over for collection and how resolved.	Retain 7 years.	Keep to help resolve billing disputes with customers.
S-7. Complaints by Customers. Records of meter rechecks, billing inquiries, service problems, etc.	Retain 5 years.	Keep in case of litigation.
S-8. Deposits from Customers. Customer name, date, services, amount of deposit.	Retain 3 years after service is discontinued and deposit applied or refunded.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
S-9. Disconnection Notices. Notice to discontinue service after non-payment of bill.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
S-10. General Ledger. Financial information of utility. (Also see G-14 and G-21.)	Permanent record. If maintained in electronic format may destroy paper record after 7 years. NOTE: The Tennessee State Library and Archives does not favor keeping permanent records in electronic format.	Recommended by comptroller in Internal Control and Compliance Manual for Tennessee Municipalities.
S-11. Meter Reading Records. Meter sheets or printouts from hand-held devices.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
S-12. Meter Records. Size, type, meter number, dates service began and ended, serial number.	Retain 1 year after meter is retired and disposed of.	Keep to aid in settling billing disputes involving the accuracy of the meter.
S-13. Meter Tests/Repairs. Record of any meter testing and any repairs.	Retain 1 year after meter is retired and disposed of.	Keep to aid in settling billing disputes involving the accuracy of the meter.

UTILITIES (Billing and Collection) RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authorization /Rationale
S-14. Rate Schedules. Listing of rates for utility services.	Permanent record.	Keep for historical purposes.
S-15. Tap Records. Including when tap installed, size, location.	Permanent record.	Keep for historical purposes.
S-16. Work Orders for Customer Service. Detail of meter number, installation date, readings, etc.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.

Utilities (Operation and Maintenance)

Reference Number: MTAS-703

UTILITIES (Operation and Maintenance) RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/ Rationale
T-1. Bacteriological Records. Records indicating disinfection of mains, tanks, filters, wells.	*Retain 5 years.	Tenn. Admin. Rule 1200-5-1-.17(8).
T-2. Complaint Logs.	*Retain 5 years.	Tenn. Admin. Rule 1200-5-1-.20(1) (h).
T-3. Daily Worksheets and Shift Logs.	*Retain until next sanitary survey.	Tenn. Admin. Rule 1200-5-1-.20 (1) (g).
T-4. Facility maintenance Records.	*Retain 5 years.	Tenn. Admin. Rule 1200-5-1-.20(1) (h).
T-5. Flush and Free Chlorine Residual for New Taps Where Main Is Uncovered. Measurement of.	*Retain until next sanitary survey or 3 years.	Tenn. Admin. Rule 1200-5-1-.17(32).
T-6. Lead and Copper. Original records of all sampling data and analyses, reports, surveys, letter, evaluations, schedules, state determinations, and any other information required by Tenn. Admin. Rules 1200-5-1-.33(2) through (9).	*Retain for 12 years.	Tenn. Admin. Rule 1200-5-1-.33(12).
T-7. Underground Utilities, Location of. Record of location of all underground utilities maintained by the city. NOTE: Under T.C.A. § 65-31-105, the city must record location of utilities with county, listing where facilities are located and the name, title, address, and telephone number of operator's representative. The county keeps this record permanently.	Permanent record.	These records allow the city to know the location and history of its underground facilities.

*Indicates a mandatory retention period based on state and federal law

Utilities (Wastewater and Water)

Reference Number: MTAS-704

UTILITIES (Wastewater and Water) RECORDS RETENTION SCHEDULE		
Description of Record	Retention Period	Legal Authority/Rationale
	WASTEWATER RECORDS	
U-1. Discharge Monitoring Reports (DMRs).	Retain 3 years or longer if so requested by Water Pollution Control as a minimum to comply with permit. Retention for life of the facility is recommended.	NPDES Permit Requirements Part I Subpart B.5. Provides record of operations and loading to assist in planning.
U-2. Industrial Pretreatment. All information resulting from monitoring activities.	*Retain 3 years, longer in cases of unresolved litigation.	40 C.F.R. 403.12 (o) (1-3).
U-3. Laboratory Bench Sheets, Calibration and Maintenance of Instruments. QA/QC Data, Flow Charts.	Retain 3 years or longer if requested by Water Pollution Control.	NPDES Permit Requirements Part I Subpart B.5.
U-4. Land Application of Cumulative Pollutant Loading Rate Sludge under 40 C.F.R. 503.13.(a) (2) (I).	*Permanent record.	40 C.F.R. 503.17 (a) (5) (ii).
U-5. Monthly Operating Reports (MORs).	Retain 3 years or longer if requested by Water Pollution Control as a minimum to comply with permit. Retention for the life of the facility is recommended.	NPDES Permit Requirements Part I Subpart B.5. Provides record of operations and loading to assist in planning.
U-6. Wastewater Sludge Disposal via Land Application, Surface Disposal, Incineration.	*Retain 5 years.	(40 C.F.R. 503.17) Land Application; (503.27) Surface Disposal; (503.47) Incineration.
UTILITIES (Water and Wastewater Records)		
Description of Record	Retention Period	Legal Authority/Rationale
	DRINKING WATER RECORDS	
U-7. Bacteriological Analysis.	*Retain 5 years.	Tenn. Admin. Rule 1200-5-1-.20 (1) (b).
U-8. Chemical Analysis.	*Retain 10 years.	Tenn. Admin. Rule 1200-5-1-.20 (1) (a).
U-9. Consumer Confidence Reports.	*Retain 5 years.	Tenn. Admin. Rule 1200-5-.35 (5) (h).

U-10. Cross Connection Records.	*Retain 5 years.	Tenn. Admin. Rule 1200-5-.20 (1) (h).
U-11. Monthly Operating Reports MORs).	Retain until next survey at a minimum. Retention for life of the facility is recommended.	Provides record of operations and loading to assist in planning.
U-12. Storage Tank Inspections.	Retain 5 years to comply with rule. Retention for life of the tank is recommended.	Tenn. Admin. Rule 1200-5-1-.20 (1)(h). Retention for life of the tank is recommended to track depreciation and repairs.
U-13. Turbidity. Records include daily worksheets, calibration data, and strip charts.	*Retain until the next sanitary survey.	Tenn. Admin. Rule 1200-5-1-.20 (1) (f).
U-14. Variance or Exceptions Granted.	*Retain 5 years following the expiration of such variance or exemption.	Tenn. Admin. Rule 1200-5-1-.20 (1) (d).
U-15. Violation, Corrective Action. Records of actions taken to correct violations of primary drinking water regulations.	*Retain 3 years after action.	Tenn. Admin Rule 1200-5-1-.20 (1) (b).
U-16. Written Reports, etc., Related to Sanitary Survey.	*Retain 10 years after sanitary survey.	Tenn. Admin. Rule 1200-5-1-.20 (1) (c).

*Indicates a mandatory retention period based on state or federal law.

Disposing of Certain Records

Reference Number: MTAS-476

The law provides for some special considerations for certain records before they are eligible for destruction.

Audits

Reference Number: MTAS-477

Records that are important for audits need to be maintained through the time of the audit plus about three years afterward in case any problems arise. Formerly, the retention period for these records was three years after the audit was complete. Since it was often difficult for a local official to know when an audit became final, the retention period was changed to five years from the date of creation of the record. This gives the official a definite time period to work from and also allows continuous destruction of financial records rather than lumping all records from a fiscal year together with a single retention date.

Exhibits and Evidence in Court Cases

Reference Number: MTAS-478

The law includes a number of special considerations for materials that have become evidence and exhibits in judicial proceedings. Although some of these materials technically are not "records," this information is related to records management for court clerks. Exhibits are treated differently depending on whether they are documents, some other kind of physical evidence or firearms.

Documents

Unless local rules of court provide otherwise, the clerk can destroy certain records under the direction and order of the judge once a case has been finally disposed of for a period of 10 years. “Finally disposed of” means a final order adjudicating a case has been entered, and the time for filing appeals, if any, has lapsed for all parties. The court clerk has to retain the pleadings, original process and original opinion, original rules, appearance and execution dockets, minute books, and plat or plan books as permanent records. But all other records, dockets, books, ledgers, and documents can be destroyed pursuant to a court order. ^[1] In civil cases, a judge may order the clerk to destroy discovery materials, briefs, cost bonds, subpoenas, and other temporary records three years after the final disposition of the case. ^[2] In addition to these procedures, clerks must comply with T.C.A. § 18-1-204. This statute requires them to notify Library and Archives of the records they intend to destroy and gives them 90 days to examine and remove any significant historical records if they so choose.

For physical evidence other than documents and firearms

There is a more complicated set of procedures for physical evidence, but the good news is that it can be destroyed sooner. If evidence is used in a case, once the case comes to judgment or conclusion and once all appeals have been settled, the clerk is to give 30 days notice to the attorneys of record in the case that they can pick up anything that belongs to them or their clients. After 30 days, the clerk can dispose of the evidence by following the procedures in T.C.A. §§ 18-1-206(a)(2)–(7). This statute requires the clerk to make an inventory of the evidence to be destroyed with references to the case involved and the term of court in which the evidence was used. The clerk then publishes the inventory for three consecutive weeks in a newspaper of general circulation. Parties who want to object to the disposition of the property or make a claim for it have 30 days to file a petition with the court. Once that time passes, the clerk gives the inventory (and any petitions that have been filed) to the court for the judge to approve or reject each item on the list and decide if it should be:

- Returned to the owner or the owner’s attorney;
- Be preserved by an organization for historical purposes;
- Sold; or
- Destroyed.

The clerk then gives the court order and the items to be disposed of to the sheriff. Depending on the disposition ordered for the item, the sheriff then delivers the items to their owners or to historical organizations, or advertises and sells the items, or destroys them and files an affidavit with the court concerning destruction of the items.

For firearms

If a court clerk has exhibits in his or her possession that are firearms, they should be disposed of in accordance with the procedures spelled out in T.C.A. §§ 39-17-1317–1318.

Original Process

Records and documents of proceedings in a court of record can be destroyed only after a judge has issued an order authorizing their destruction. ^[3] Regardless of who approves it, however, the law explicitly prohibits the destruction of any original process in a civil action or criminal proceeding.

^[1] T.C.A. § 18-1-202.

^[2] T.C.A. § 18-1-202(b).

^[3] T.C.A. § 18-1-202.

City Hospital and Other Health Records

Reference Number: MTAS-479

Special rules apply to medical records. They generally are governed by T.C.A. §§ 68-11-301 et seq. The definition of “hospital” used in these provisions is broad enough to include city hospitals and health departments. ^[1] Certain hospital records are not public records. ^[2] Generally, the law requires that a hospital or health department is required to retain and preserve records that relate directly to the care

and treatment of a patient for 10 years following the discharge of the patient or the patient's death during the period of treatment within the hospital. ^[3]

Mental health records are treated differently. Hospitals and health departments are given the option of retaining records for a longer period if they wish. ^[4]

^[1] T.C.A. § 66-11-302.

^[2] T.C.A. § 68-11-304.

^[3] T.C.A. § 68-11-305.

^[4] T.C.A. § 68-11-307.

Proper Storage Conditions

Reference Number: MTAS-480

Like everything else on this planet, records must be in the proper environment to survive. Most of the time, the records that your office uses on a regular basis are kept in the same area in which people work. This is good because, generally, the conditions that are comfortable for humans are also acceptable for storage of records in most formats.

Unless conditions are very severe, temperature and humidity are not factors affecting records scheduled for destruction in a few years. ... Wide fluctuation in temperature and high humidity can result in severe damage to these records. Ideally, the temperature range should be 65 to 75 degrees, and the humidity should be kept at 45 to 55 percent. ^[1]

These conditions, at least the temperature ranges, are similar to those in the typical office environment. Unfortunately, the records we use most regularly and keep close around us in our offices are often those that we need only temporarily. Concerns about storage conditions become more important the longer you plan to keep a record. The problem is, those long-term or permanent retention records that need better care are often the ones we use less often, so they are moved out of the way into conditions that are less hospitable.

City halls and county courthouses, with their attics and basements, were never designed to accommodate this ever-increasing volume of semi-active and inactive records. This records growth, plus inadequate records programs, has resulted in the misuse of existing office and storage areas and the use of unimproved warehouses, jail cells, fire stations, abandoned school buildings, and hospital rooms as inactive records storage sites, including storage of records of archival value. The undesirable features of these kinds of storage facilities and inadequate programs become apparent once it is necessary to obtain information from records in storage. It takes only a few unsuccessful attempts to locate records in poorly maintained areas to discourage further use. Time, neglect and lack of maintenance will take their toll on records stored there. ^[2]

For these reasons, cities should consider setting up facilities designed specifically for storing records on a long-term basis. Rather than using basements, attics, or whatever space is available, the city may want to establish a records center for its inactive temporary records and an archive for its permanent value records.

^[1] A Guide for the Selection and Development of Local Government Records Storage Facilities, compiled by A.K. Johnson, Jr., CRM, issued by the National Association of Government Archives and Records Administrators (2nd printing, 1991), p.9.

^[2] Ibid, 2.

Records Centers

Reference Number: MTAS-514

A records center is essentially a central area for storing records. It is a place where all city officials can send their inactive records as an alternative to keeping them in their own offices where they take up

valuable space and interfere with operations. By default, the basement or bell tower of the city hall may have become an ersatz records center, but the city should consider investing in a true record center. A well-run records center can result in significant savings of both time and money while it protects and preserves records. “The effectiveness of a records center is based upon (a) its use of low- cost equipment which makes maximum use of space, (b) its ability to provide an orderly arrangement and control of records, and (c) its ability to employ procedures which assure prompt and efficient handling of records.” [1]

Setting up a records center may sound like a project that only large cities might try to tackle. But small- and medium-sized governments also can benefit from saving money. One federal government study on cost avoidance estimated that “... for every cubic foot of records stored in a records center there is a savings of \$16.08.” [2] When you consider the reams and reams of records in local government offices, including the school system and the court system, the savings can add up quickly.

A records center does not have to be a separate building. “A small government can usually convert an existing room quite easily since less space is required. There are many cities, towns, or counties that need no more than 1,000 cubic feet of records storage space. A records center of that capacity can be placed in a room about the size of a two- car garage.” [3] If your city likes the idea but still thinks it doesn’t have a great enough need to justify the expense of a records center, consider doing something radical: cooperate with other local governments. If the county, the school system, and all the municipalities within a county worked together through an interlocal agreement to establish a records center, costs would be spread among them, and enough inactive records should be found to justify establishing the center.

The Rome/Floyd County Records Program is an excellent example of a cooperative venture supported by four Georgia local governments (population 81,250). This innovative records management program serves Floyd County, the city of Rome and two school districts (Rome City Schools and Floyd County Schools). Each government partially funds the program. Service features included a records center with a capacity for 18,000 cubic feet (providing for records transfer, reference, selected microfilming and records disposal) and technical assistance (a records management officer) on the proper management of records. These four local governments, by combining resources to create a professional program which none could individually afford, achieve most of their essential records management goals. All records placed in the records center still remain the property of the respective originating governments, however. The program has received the National Association of Counties achievement award, and it saved over \$68,000 for the four local governments in 1990. [4]

[1] See *A Guide for the Selection and Development of Local Government Records Storage Facilities*, p. 2

[2] *Ibid.*, 4.

[3] *Ibid.*, 11.

[4] *Managing Records on Limited Resources*, Stephen E. Haller, CRM, issued by *The National Association of Government Archives and Records Administrators* (November 1991), p.10.

Establishing Archives

Reference Number: MTAS-515

In addition to or in conjunction with setting up a records center, your city should consider establishing a city archive if one is not already in existence. An archive differs from a records center in that the records center generally keeps inactive records temporarily before their final disposition. An archive usually is dedicated to preserving records of such historical value that they should be maintained permanently. The two may be located in the same facility and be virtually indistinguishable to the public, or they may be separately located and operated facilities. An archive provides many of the same benefits as a records center, namely, removing records that are not regularly used by an office from expensive and cluttered office space and providing proper storage conditions for the records.

An archive also serves an important role in preserving the history of our country and our communities and provides a valuable resource for members of the community researching our past. By providing another location for this research, the archive indirectly helps city officials by allowing them to refer

genealogists, students, and other researchers to another office rather than diverting time and effort from their daily tasks to assist those people in accessing the older, historical records of the city.

Specifications

Since the primary purpose of the archive is to preserve records permanently, environmental conditions for the archive are even more important than those for a record center. The following considerations for archival space are recommended by the Tennessee State Library and Archives. ^[1]

Archives Storage and Management Space

The following archival standards should be met to preserve local archives for future use. The closer local archives come to meeting these standards, the more likely the records will survive. ^[2]

- Distinctly exclusive space: An entirely separate building is desirable, but not essential, and some cities may not be able to afford it. In an existing building, a separate, exclusive space that can be secured from unauthorized entry and that meets the general specifications that follow is the minimal requirement to assure proper maintenance. The space should not be combined or confused with any other use. ^[3]
- A strong, durable building that is earthquake and storm resistant: Heavy (i.e., masonry and steel) construction is desirable, not only to resist storm and earthquake damage, but also to help meet the standards below with greater economy of operating costs.
- Secure against theft and other hostile intrusion: A safe and secure locking system is highly desirable. Entry to and exit from the space should be controlled by official staff so that patrons are not free to come and go without surveillance, so as to assure that documents are not stolen or removed without proper authorization.
- As damp proof as possible with a consistently moderate relative humidity: The best relative humidity for archival materials is a constant RH of 45 percent to 55 percent; excessive ranges and changes in humidity tend to speed deterioration of archived materials. Leaky roofs, walls, and foundations that invite seepage and mold are natural enemies of archives. The site of the archive space should be chosen to protect it from flooding, either from nearby rivers or from excessive ground water during heavy rains. Care should be taken to see that water pipe systems that serve the space are sound and leak free.
- Consistently moderate temperature: The best temperature for archival materials is a constant temperature between 65 degrees and 70 degrees Fahrenheit. Excessive ranges and temperature swings tend to speed deterioration. ^[4]
- Free of pollutants: As much as possible, air circulation systems should be filtered to remove contaminating acids, dust and other airborne dangers to archive materials.
- Free of biological pests: As much as possible, the archive should be protected against and free from insects, rodents, mold and other biological dangers to records.
- Free from ultraviolet light: As much as possible, sunlight and other sources of ultraviolet light, such as fluorescent tubes, that tend to damage film and paper documents must be excluded from the archive by shielding and filtration. ^[5]
- Fireproof: To the greatest extent possible, construction materials should be of masonry, steel, and other fire-retardant or fire-resistant materials. Care should be taken to see that heating and electrical systems that serve the space are not likely to cause accidental fires.
- Protected by a reliably tested fire suppression system. The most commonly recommended system is a reliable water sprinkler system with proper drainage for the water to be eliminated readily. Desirable fire protection includes rapid response by local fire fighting teams and briefing and orientation of local fire departments by local government officials on the nature of the archive and the need to preserve the content materials. ^[6]
- Shelves and other containers should meet archival specifications: Shelving should be of strong, baked enamel steel construction. ^[7] Enough space should be left between shelves for convenient access and to inhibit the spread of fire. Shelves should be deep enough so that there is no overhang of boxes. Oversized materials (such as engineering drawings) should be in oversized shelving or metal cabinets.

- Filing and boxing of records: To the extent possible, records should be kept in acid-neutral paperboard boxes and folders (available from archives suppliers). This often requires removing records from original folders and boxes to new ones and labeling the new containers.
- Disaster plan: A well-devised disaster plan for actions to take in case of fire, flood, water leakage, earthquake, theft, bomb threats or other dangers to archives should be written. There are good models of disaster plans already in existence. Local archives can acquire one of these and adapt it to local conditions. ^[8] Archive staff should be trained in its provisions and should know what to do in any emergency.

Technical Assistance

The Tennessee State Library and Archives is making an active effort to encourage the development of local and regional archives across the state. It is an excellent source of technical assistance and advice in developing an archive. The State Library and Archives has produced a series of Tennessee Archives Management Advisories that provide a wealth of information on a number of topics. Much of the material in this chapter has been adapted from those publications, but it only scratches the surface of the information available from the State Library and Archives on archives and preserving records. A listing of the archives management advisories is in the appendix to this manual under Sources of Additional Information. For further information, contact the Tennessee State Library and Archives at adp.tsla@tn.gov ^[4].

^[1] These recommendations are from the Tennessee State Library and Archives, Tennessee Archives Management Advisory (TAMA) 99-004 Basic Archives Management Guidelines, p.5.

^[2] More detailed standards are available from the Tennessee State Library and Archives at adp.tsla@tn.gov ^[4].

^[3] In the past, some people have regarded archives as “dead” storage and put valuable records into rooms with old furniture, cleaning equipment, or fuel stores, or into fire-trap attics and basements with dirt, vermin, and the like. That kind of negligence endangers the very evidence that public interest needs to save and protect.

^[4] There are stricter archival standards, with narrower ranges of tolerance for ideal conditions. Some materials may also require slightly different optimum temperature and humidity. However, these present standards are tolerable for local archives that do not have the resources for highly sophisticated environmental control systems.

^[5] Incandescent lights do not produce strong ultraviolet rays, but fluorescent lamps do, and they must be shielded with ultraviolet ray filters if they are used.

^[6] Much damage has been done to records when local firefighters treat archives as they would any other storehouse of replaceable goods.

^[7] Wood is flammable, and it often gives off gasses and oils that may damage archives.

^[8] The University Library of Tennessee Technological University in Cookeville has a well-developed disaster plan that may be used as a model. Other models are available from TSLA and MTAS. For more discussion on disaster contingency planning and vital records preservation plans, see the next chapter.

Alternative Storage Formats

Reference Number: MTAS-519

Paper is not the only medium in which records can be stored. As has been mentioned in earlier chapters, many offices are choosing to store records in either photographic (microfilm, microfiche, etc.) or electronic media. Each medium offers different advantages and disadvantages. Cities should thoroughly research either system before investing revenue and entrusting its vital records to different storage media.

Electronic Records

Reference Number:

MTAS-522

City governments can now use computers as a tool for both creating and maintaining original records and for reproducing existing paper records onto other storage media. Any records required to be kept by a government official in Tennessee may be maintained on a computer or removable computer storage media, including CD-ROMs, instead of in bound books or as paper records. ^[1] But in order to do so, the following standards must be met:

1. The information must be available for public inspection, unless it is required by law to be a confidential record;
2. Due care must be taken to maintain any information that is a public record for the entire time it is required by law to be retained;
3. All data generated daily and stored within the computer system must be copied to computer storage media daily, and computer storage media more than one week old must be stored off site (at a location other than where the original is maintained); and
4. The official with custody of the information must be able to provide a paper copy of the information to a member of the public requesting a copy. ^[2]

These standards, however, do not require the government official to sell or provide the computer media upon which the information is stored or maintained.

Caveats and Concerns

All of these new technologies bring our offices new capabilities but also new problems and dangers. As the provisions regarding each of these new developments indicate, extra safeguards are necessary with electronic records. If you consider for a moment the true nature of electronic records, you can see why precautions are necessary.

Fragility

Computer records are nothing more than magnetic impulses embedded in a chemical medium. Doesn't sound like something that's going to last through the ages, does it? The truth is, electronic records are much more convenient to use, but they also are more fragile than paper records. Like paper records, fire and water can destroy them, but so can magnetic impulses, power surges, heat and moisture. Unlike paper records, a little bit of damage goes a long way. A spilled cup of coffee may ruin a few papers on your desk, but spill the same cup onto your computer and the equivalent of volumes and volumes of information can be destroyed in a moment.

Another manner in which computer records are unlike paper records is the possibility of damaging the records through use. Continuous use over a long period of time may cause the deterioration of a bound volume, but that in no way compares to the amount of damage that can be done to a disk of computer records by a negligent or malicious user.

Computer Records Are Not "Human Readable" When you use computer records, you need a third party involved, namely, a computer. If something happens to your computer system, you can't access the records until it is replaced. If the problem is a lightning strike that knocks out a few PCs in your office, it's no big deal. They may be expensive to replace, but they are definitely replaceable. If the problem is a bug in a proprietary record-keeping software package and the company that wrote your software is out of business, you may have an insurmountable problem. No matter how well you preserve the computer media containing the data, you can't read it without a program.

^[1] T.C.A. §§ 10-7-121 and 47-10-112.

^[2] T.C.A. § 10-7-121.

Data Migration

Reference Number: MTAS-524

If you still think computer records are safe and reliable for long-term use, consider this: Even if you have your magnetic tapes and computer disks and CD-ROMs in 10 or 20 years time and they have been perfectly preserved in pristine condition, will you still be running the same computer? This is a problem

that may prove to be the most serious technological issue of this century. Imagine the difficulty of finding a way to access computer records that are 30, 40 or — in the not too distant future — 100 years old.

To avoid falling victim to rapid changes in technology, you must have a system of data migration. Whether you use a computer for keeping the current financial records of your office or you use an imaging system to capture information from old records, you must anticipate and plan on being able to transfer that information from one computer system to the next as you upgrade your equipment and software. Failing to recognize this need will lead to disaster.

For long-term retention, permanent-value municipal records must be in a durable format such as paper or microfilm. Scanned or digitized records do not meet national archival standards for viability after 15 to 20 years, much less for permanent storage. T.C.A. § 10-7-121 does, in fact, authorize keeping permanent-value records on “computer or removable computer storage media, including CD-ROMs, instead of bound books or paper records” if the records are available for public inspection, can be reproduced in paper form, and are backed up in off-site storage. See also T.C.A. § 47-10-112. These laws, in our view, leave officials vulnerable to losses of vitally important records for whose long-term safekeeping these same officials are legally responsible. Despite what these laws allow, records cannot be safely maintained solely in digital form for long periods of time.

Consider these issues seriously, seek technical assistance for working with technology, and question vendors thoroughly about these problems when considering any technology purchase.

Microfilm

Reference Number: MTAS-520

MICROFILM ^[1]

Microfilming can offer as much as a 98 percent reduction in storage space over storing records in their original paper format. ^[2] And by having a back-up copy of microfilm stored off site, a government can almost immediately recover from any disaster or occurrence that damages its vital records. Produced correctly, microfilm is considered to be archival quality, meaning it is a suitable format for storing permanent retention documents.

But microfilm has disadvantages. No alternative format is going to be a perfect solution for all your records management problems. Microfilming is not cheap. It is a labor-intensive process that requires expertise of the person doing the work. Additionally, if microfilm is not properly produced, developed and stored, it will not stand the test of time.

^[1] In this text, the terms “microfilm” and “microfilming” are used generally to discuss the various micro-photographic processes available.

^[2] Using Microfilming, p.1.

State Microfilming Program

Reference Number: MTAS-521

The law provides that the State Library and Archives is charged with providing trained staff and appropriate equipment necessary to produce and store microfilm reproductions of official, permanent value bound volume records created by county and municipal governments.

To implement this security microfilming program, the state librarian and archivist are authorized to develop a priority listing of essential records based on retention schedules developed by the UT County Technical Assistance Service and the UT Municipal Technical Advisory Service. This priority listing of essential records may be revised from time to time to accommodate critical needs in individual counties or municipalities or to reflect changes in retention schedules. The camera negative of the microfilmed records shall be stored in the security vault at the State Library and Archives, and duplicate rolls of these microfilmed records shall be made available to county and municipal governments on a cost basis. ^[1]

^[1] T.C.A. § 10-7-511.

Technical Guidelines

Reference Number: MTAS-523

The following guidelines for producing and storing microfilm are considered crucial by the Tennessee State Library and Archives: ^[1]

- **Microfilm must conform to national archival processing and storage standards if it is to survive:** Tennessee law requires that “photographic film shall comply with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards (now the National Institute of Standards and Technology), and the device used to reproduce such records on film shall be one which accurately reproduces the original thereof in all details. ^[2]
- **Good preparation of records to be filmed is crucial:** If needed, records should be cleaned and flattened before filming. You must film the records in their correct order and arrangement. At the beginning of each group, series and sub-series, identify the records by filming descriptive “targets” that also include notes on physical condition and arrangement of the records.

- **All records in a group or series, regardless of condition, must be filmed in proper orientation, order and focus:** If a page is omitted or improperly filmed and the original destroyed after filming, there is no way to recover the permanent record that should have been preserved.
- **Archival quality silver-gelatin film must be used for the camera-image negative film, and it must be processed according to archival standards:** Diazo film and other inexpensive process films will not endure. Residual chemicals on film from poor processing will destroy film. However, reference copies may be on any sort of commercial film that is convenient and affordable. It will have to be replaced from time to time, since heavy use in readers will wear out the film.
- **The original negative (camera-image) film must be reserved in archival storage conditions and should be kept at a site removed from the main archives:** Only positive copies of the original negative should be used for reference, otherwise the original may deteriorate. High humidity and changes in temperature that are wide or frequent tend to hasten the destruction of film. The original negative (camera image) film must be used only to produce reference copies as needed. Indeed, it is still better to have a second negative copy from which to produce reference-use positives, so that the camera- image negative original is itself preserved. Off-site storage under archival conditions offers the best chance for survival of the original negative film. The Tennessee State Library and Archives is a good storage option for counties and municipalities that wish to preserve their original camera-image, negative film.

For more information on microfilming, contact the National Association of Government Archives and Records Administrators, and request a copy of its publication entitled *Using Microfilm* by Julian L. Mims, CRM, issued in February 1992.

For general information about the Archives Development Program, including how to schedule a visit to your community, please contact adp.tsla@tn.gov [4]. Tennessee Archives Management Advisories (TAMAs) can be viewed at: <https://sos.tn.gov/products/tsla/tennessee-archives-management-advisories-tamas> [5].

[1] Tennessee Archives Management Advisory 99-005, Microfilming Permanent Records, 11 January 1999.

[2] T.C.A. § 10-7-501.

Disaster Preparedness

Reference Number: MTAS-516

By their very nature, disasters are unexpected events. Severe weather, earthquakes, floods or fire can strike anywhere at any time with little or no warning. Disasters can irreparably change individual lives and halt the normal commerce of business, industry and government. Disasters cannot be prevented, but you can prepare for them and mitigate their impact.

To lessen the impact of a disaster, every city should do two things:

1. Develop a disaster contingency plan; and
2. Institute a vital records protection program.

Contingency Plans

Reference Number: MTAS-517

Disaster Contingency Plans

Contingency plans should be detailed and instructive, and address the specific needs of every office of city government. They should anticipate the various types of disasters your city might face. Response to a flood will be different from response to a fire, earthquake or tornado. In addition to officials and staff having copies of the plan, duplicates should be stored off site in case of disasters of truly catastrophic proportions. The best recovery plan is no good if the only copy is locked inside a file cabinet in an office that is on fire.

A good disaster contingency plan will:

- Designate who is in charge of recovery operations and who will be working on recovery teams. It should include all necessary information for contacting these people at any hour of the day or night;
- Anticipate the types of disaster the city may face and provide basic instructions for the first responders to an emergency to ensure that everything possible is done to minimize damage and preserve the safety of individuals responding to the disaster (e.g., evacuation plans, directions for shutting off electrical current in case of a flood, locations of shut-off valves in case of a broken water line);
- Include an inventory of supplies and equipment that are available for use in salvage efforts. The inventory should identify locations of important supplies and equipment — everything from heavy machinery to fire extinguishers to mops and buckets;
- Identify alternative office space and other facilities that might be used if the city needs temporary space for relocation or salvage operations;
- Include current contact information for experts in emergency management such as those at the Tennessee Emergency Management Agency (TEMA), the Federal Emergency Management Agency (FEMA), and other governmental entities, plus commercial entities that can provide expertise in recovery and salvage if the disaster is too large for the city to handle by itself; and
- Plan for acquiring replacement office equipment and supplies quickly and efficiently. This will be essential if computer equipment is damaged.

Vital Records Protection

Reference Number: MTAS-518

A companion to the disaster contingency plan is the vital records protection program. The records of a local government are one of its most vital and vulnerable resources. If steps have not been taken to protect important records prior to a disaster, the resumption of regular operations after a disaster will be far more difficult and costly.

Whereas a contingency plan will provide instructions on how to respond immediately after a disaster, a vital records protection plan will inform government offices of ongoing practices to preserve the important information of the office. Records protection plans will vary depending on the volume and format of the records to be protected, the resources available to the city, and the technology present in offices. Any plan should, at a minimum, provide procedures for identifying, duplicating and safeguarding vital records.

No office can afford to expend the amount of resources it would take to ensure the protection of every record in the office. For that reason, it is important to determine which records are truly vital and which are not.

Records management experts divide records into four classes:

1. Nonessential records — those that if lost would not really be missed. Most convenience files, internal memos and many routine papers of completed transactions fall into this category.
2. Useful records — records containing information that if lost would cause some difficulty but that could easily be replaced.
3. Important records — records that cannot be dispensed with and that can be replaced only through the expenditure of substantial time, money or manpower.
4. Vital records — records that are essential and cannot be replaced. Vital records contain information essential to the continuity of operations or to the protection of the rights of the government or of individual citizens. ^[1]

Begin by protecting records that are indispensable. Since you cannot anticipate and prevent every possible disaster, the best course of action is to make sure there are off-site archival quality copies of the city's most important records. ^[2]

If some records are stored in electronic format, state laws require that certain back-up procedures are followed to prevent loss of data. [3] For obvious reasons tape or disk backups of electronic data should not be stored in the same location as the computer system itself. While less fragile than electronic records, paper records and microfilm also must be properly stored and cared for in order to prevent destruction of the records in the event of a disaster or by the ravages of time. Wherever possible, a city should archive its permanent records in a location or facility that is designed for records preservation. [4]

If you need assistance developing these plans for your city, both MTAS and the Tennessee State Library and Archives can help. Copies of contingency plans and other publications on records protection are available upon request. In addition, there are a number of commercial, nonprofit, government, and educational sites on the Internet that provide a wealth of contacts and links to valuable information. The following Internet sites are places you might want to start: [5]

- <http://www.nagara.org> [6]
- <http://palimpsest.stanford.edu/bytopic/disasters/index.html> [7]

Recovery of Stolen or Misappropriated Records

While they usually don't reach disastrous proportions, there also are certain human behaviors for which a prepared response is necessary. If records are inappropriately removed from the office where they belong, the official who has custody of the records is not without remedy. Of course, criminal theft charges can be brought against someone who steals city documents. Tennessee law makes it unlawful for any person to intentionally and unlawfully destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a governmental record. A violation of that law is a Class A misdemeanor. [6]

What may prove to be a more practical remedy is to pursue an action to recover personal property. [7] This action, also known as replevin, is a judicial proceeding whereby property that is in the wrong hands can be returned to the rightful owner or custodian. It is initiated by filing a complaint in the circuit or chancery court or by causing a warrant to issue in the general sessions court. [8] Ultimately, the proceeding may result in the issuance of a writ of possession that directs the proper officer to take the property from the defendant and return it to the plaintiff. [9] If you need to pursue such an action to recover misappropriated city records, contact your city attorney.

[1] Protecting Records, Harmon Smith, Issued by the National Association of Government Archives and Records Administrators (March 1992), p.3.

[2] According to the State Library and Archives, the only media that will assure long-term survival of vital records are carbon-based ink on acid neutral paper and archival quality silver gelatin microfilm created and kept under conditions that meet archival standards. See Tennessee Archives Management Advisory 99-07.

[3] For information regarding these procedures, see the chapter in this part regarding alternative storage media.

[4] See the discussion in a previous chapter in this manual on archives.

[5] Sites were current and available as of the date of publication. The Internet is the most temporary of media. If these sites no longer exist, call MTAS for more information.

[6] T.C.A. § 39-16-504.

[7] T.C.A. §§ 29-30-101 *et seq.*

[8] T.C.A. § 29-30-103.

[9] T.C.A. § 29-30-107.

Public Record Forms

Reference Number: MTAS-710

Click on the listing below for sample forms.

Records Inventory Worksheet

Reference Number: MTAS-711



RECORDS INVENTORY WORKSHEET

City, Town, etc. _____ Number _____

1. Department _____ Division _____ Section _____

2. Name and title of officer immediately responsible for series _____

3. Records series title _____ 4. Series number _____

5. Description of records series (content, purpose, by whom created, form numbers, etc.) _____

6. Earliest date/Latest date _____ 7. Records still being created? Yes No

8. Annual accumulation _____ cubic feet

9. Arrangement: Alphabetic by _____ Numeric by _____ Other _____

10. Reference frequency (check, insert number, circle appropriate words)
 _____ times daily, weekly, monthly, annually for _____ months, years.
 Never after _____

11. If there are other copies of these records, including microfilm, identify them. _____

12. Relationship to other records series (indexed, summarized, listed, etc.) _____

13. Location of records (building, room, file section, etc.) _____

14. Volume _____ cubic feet

15. Size and format of record _____

16. Type and quantity of file equipment occupied _____

17. Statutory or state archival requirements for retention _____

18. Suggested retention period with justification _____

19. Additional comments _____

20. Inventory taken by and date _____

21. Reviewed by/date _____

22. Appraisal Confirms suggestion retention period or Substitutes following _____

23. Department head and date _____

24. Records officer and date _____

25. Other local authority and date _____

26. State archivist and date _____

From H.G. Jones, *Local Government Records: An Introduction* (Nashville: American Association for State and Local History, 1979) as it appeared in *Managing Records On Limited Resources — A Guide for Local Governments*, Stephen E. Haller, CRM, issued by NAGARA (November 1991). Local officials are welcome to reproduce this worksheet. This constitutes formal permission from author and publisher for its reproduction, with proper acknowledgment to source.

Records Disposition Request and Authorization Form

Reference Number: MTAS-712



RECORDS DISPOSITION REQUEST AND AUTHORIZATION FORM

Name of person requesting disposition authority: _____

Title: _____

Action requested: One-time records disposition authority
 Continuous records disposition authority based upon retention schedule
 Other disposition authority (explain) _____

For one-time authority, describe records: _____

Record group and series title: _____

Date span of records: _____ Volume: _____

Proposed disposition (cite pertinent guidance in MTAS Retention Schedule): _____

Signature of person making request: _____

Approved Not approved

Chairperson of Records Commission
(or official with authority for records disposition)

Date

Sample Certificate of Records Disposal

Reference Number: MTAS-713



CERTIFICATE OF RECORDS DISPOSAL

Name of Records: _____

Kind of Copy: Original Duplicate Combination

Inclusive Dates: _____

Inclusive Numbers: _____

Department and/or Section: _____

Location: _____

Method of Disposal: _____

Authorization:

Mayor Date

City Attorney Date

Department Head Date

Records Retention Date

Disposed by Date

Witnessed by Date

Amendments to the Federal Rules of Civil Procedure

Reference Number: MTAS-1429

Amendments to the Federal Rules of Civil Procedure and Their Effects Upon Records Retention

Most cities in Tennessee use e-mail and other electronic means for all types of correspondence. Like its paper counterpart, electronic communication can be important legal discovery in litigation. This notion has now been codified in recent amendments to the Federal Rules of Civil Procedure, effective December 1, 2006, which specifically require employers to retain electronic communications, including

e-mail, that would become discoverable in litigation. Under the amended Rule 26 (a) (1) (A)(ii), parties “shall, without awaiting a discovery request, provide to the other parties...a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;.” This places cities and other potential parties to litigation on notice that pertinent communications must be saved.

In the unfortunate occurrence of a legal action, notice should be given to all city department personnel to put a litigation hold on documents, meaning that no documents or electronic documents should be destroyed, altered or otherwise disposed without the consent of the attorney representing the city. Because of the short time frame, the departments should start to think about all places where this information may be kept and begin to be collected. The parties will meet and provide descriptions and locations of all relevant correspondence at or within 14 days after the parties’ Rule 26(f) conference unless a different time is set by the rules, such as late-added defendants. (See Rule 26 for information about those deadlines and procedures.). With the often voluminous amount of e-mails cities produce, an organized system for locating and retrieving relevant e-mails is crucial. Many software systems have such features. Check with your information technology (IT) department to ensure that your city has the technical ability to comply with the short deadlines set by the Rules of Civil Procedure.

The amendments also provide an exception to this required disclosure if such disclosure would place an undue burden or cost on the disclosing party. However, even if such a showing is made, the court may nonetheless order discovery if the requesting party shows good cause. Rule 26(b)(2). The amended Rule 34 further expands the scope of discovery to allow parties the opportunity to test or inspect electronic information, even to the point of allowing entry upon land or premises. Rule 37 (f) provides a safeguard for parties who fail to provide electronically stored information lost as a result of the routine, good-faith operation of an electronic system. Note that the rule specifically mentions the operation of an electronic system, implying that one must be in place and that this exception would not apply to cities that fail to enact one.

Under Rule 45(d), cities receiving a subpoena to produce documents or electronically stored information must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms, but a person responding need not produce the same electronically stored information in more than one form. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery for good cause and may place conditions upon the release.

The underlying importance of these amendments is that electronic communications must be added to every city’s current retention schedule. The subject matter, not the format, is the decisive factor in retention. For further information on records retention and a model retention schedule, see Records Management for Municipal Governments [8].

Links:

[1] <https://www.comptroller.tn.gov/openrecords>

[2] <http://www.comptroller.tn.gov/repository/OpenRecords/FormsSchedulePoliciesGuidelines/20170119ScheduleofReasonableCharges.pdf>

[3] <https://1.next.westlaw.com/Link/Document/>

FullText?findType=L&pubNum=1000039&cite=TNSTS10-7-121&originatingDoc=N370575E013C411

[4] <mailto:adp.tsla@tn.gov>

[5] <https://sos.tn.gov/products/tsla/tennessee-archives-management-advisories-tamas>

[6] <http://www.nagara.org/>

[7] <http://palimpsest.stanford.edu/bytopic/disasters/index.html>

[8] <http://www.mtas.tennessee.edu/reference/records-management-municipal-governments>

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 08/19/2019 - 2:41pm): <http://www.mtas.tennessee.edu/reference/records-management-municipal-governments>

