



Records Preservation and Destruction

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://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,

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Records Preservation and Destruction

Reference Number: MTAS-431

Preservation and destruction of municipal public records are governed by T.C.A. §§ 10-7-701 and 702. They are defined as "all documents, papers, records, books of account, and minutes of the governing body of any municipal corporation within said county or of any office or department of such municipal corporation within the definition of 'permanent records,' 'essential records,' and/or 'records of archival value.'" T.C.A. § 10-7-301. T.C.A. § 10-7-702 authorizes the Municipal Technical Advisory Service (MTAS) to publish retention schedules of records for municipal officials.

Electronic Records

T.C.A. §§ 47-10-101, *et seq.*, allow cities to conduct business by electronic means and to determine the extent to which they will send, accept, and rely on electronic records and electronic signatures.

T.C.A. § 47-10-112 provides that electronic records may be retained and have the same status as original records. Electronic records are subject to open records and retention requirements just like other records.

Electronic Mail

A municipality with electronic mail must adopt a written policy addressing any monitoring of e-mail. The policy must include a statement that any form of e-mail may be a public record open to inspection.

T.C.A. § 10-7-512.

Disposal of Records

T.C.A. § 10-7-702 allows any municipal governing body to authorize by resolution the disposal, including destruction, of permanent paper records that have been copied to another medium, such as microfilm or CD-ROM, in accordance with T.C.A. § 10-7-121. Other records may be destroyed when the retention period prescribed by the retention schedule used by the municipality has expired.

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 05/25/2020 - 1:59pm): <https://www.mtas.tennessee.edu/reference/records-preservation-and-destruction>



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