



Tennessee Archives Management Advisory

Approved by Secretary of State, Riley C. Darnell

1999

DESTROYING TEMPORARY RECORDS: A REVIEW OF THE RECORDS DISPOSITION AUTHORITY PROCESS

Records Disposition Authorization Procedures

Records disposition construed: Records disposition means what is to be done with public records, which are public property. There are three possible outcomes of a records disposition authorization. The records may be

- retained by the office of record, or
- destroyed if no longer required in the public interest, or
- transferred to an archives for permanent administration and public inspection.

1. **Primary responsibility** for records disposition lies with each local office of record.

1.1 Each office of record should be familiar with the records disposition guidelines prepared by the County Technical Assistance Service (CTAS) or the Municipal Technical Advisory Service (MTAS).

1.2 Each office of record should at least once a year

- request disposition authority from the public records commission
- destroy records according to existing records disposition authority
- transfer records to the local archives according to existing records disposition authority

1.3 Each office of record should prepare records disposition authorization requests to present to the local public records commission for a decision.

1.4 Each request should identify at least

- the title or kind of record for which disposition authority is sought
- the date span of the file(s) of records
- the volume of records to be disposed of
- the pertinent provision(s) of CTAS/MTAS guidelines that govern the records described
- the kind of records disposition authority sought (one-time or continuing)

2. **Records disposition authorizations** may be of two kinds: continuing or one-time

2.1 **Continuing Records Disposition Authorization.** An office of record may seek a continuing records disposition authorization for records that it knows recur routinely and need to be disposed of every year. Once approved by the public records commission, the office of record need not go back to the commission for new approval every time it wishes to destroy those records or transfer them to the archives. It *should*, however, report each such destruction or transfer to the commission, so it can assure the local executive and legislative body that records disposition is being handled properly.

2.2 **One-time Records Disposition Authorization.** An office of record may find records that are not on the CTAS/MTAS disposition schedules, or it may have a quantity of older records for which there is no modern counterpart, or some other situation that does not require a continuing disposition authorization. In this case, the office should request a one-time records disposition authorization from the public records commission. If the records are not governed by the CTAS/MTAS guidelines, the office should seek the advice of CTAS or MTAS, and cite the response in the records disposition request to the public records commission.

3. **Public records commission meetings.** Public records commissions must meet at least twice a year. They may meet more often as needed. There is no provision in the law for a quorum to conduct business; however, since public records commissions are a regulatory body, each commission should establish a reasonable quorum for the conduct of business.

- The law does require that to authorize destruction of any public record a majority of the commission must favor the destruction. This should be interpreted as a majority of the entire commission, including those absent, whose vote should be sought and recorded by the chair of the commission.

4. **Records disposition authorizations.** The public records commission should review each request submitted by each office of record and should formally vote to authorize the disposition action requested or to deny the authority to dispose of the records as suggested by the request. If the vote is to deny, then the

commission should offer the reasons why and should suggest an alternative disposition.

5. Review by the Tennessee State Library and Archives. Every records disposition authorization for *destruction* of records that is approved by a public records commission should be sent to TSLA. TSLA is given ninety (90) days to review the public records commission authorization to destroy. Unless TSLA recommends otherwise, the local public records commission may authorize the office of record that made the request to proceed with destruction.

6. Assured destruction of records. Because of the potential mischief and damage to the public interest if public records intended for destruction should fall under the control of private interests as abandoned public property, offices of record and county public records commissions should take pains to assure that the records are completely and totally destroyed. The two principal methods that provide this assurance are total incineration by burning and shredding into fine strips for recycling or burning. When an office of record has completed an authorized records destruction, it should file a report to that effect with the public records commission.

7. Public commission records and reports. Public records commission minutes and reports to the local executive and legislative body should be considered permanent records. They should be held by the public records commission for at least five years for reference before being transferred to the local archives for permanent retention, administration, and public inspection.

- Reports to the executive and legislative body should summarize records dispositions authorizations for the period of the report, and should provide assurances that the disposition of records has been according to law and authoritative guidance of CTAS/MTAS and that destructions have not been voided by TSLA.
- The paperwork involved in requests for authorizations by offices of record and commission responses should be held for five years for reference, after which it may be destroyed.