

## **RECORDS MANAGEMENT AND RETENTION**

### **A. Purpose**

This policy establishes the basic Records Management and Retention program for The University of Texas at Brownsville and Texas Southmost College.

### **B. Authorization**

Texas Government Code, Section 441, et. seq. establishes the requirements and the responsibilities for records management within the State of Texas. The Records Management Division of the Texas State Library has overall responsibility for monitoring the program throughout the state.

### **C. Policy Statement on Records Management and Retention**

The University of Texas at Brownsville and Texas Southmost College recognize the need for orderly management and retrieval of all official records and for a documented records retention and destruction schedule congruent with all state and federal laws and regulations.

The Vice President for Business Affairs is designated as the custodian of records for the purpose of compliance with the Texas Open Records Act (Texas Revised Civil Statutes Annotated, Article 6252 17a). The Program Director of Records Management is the custodian of records for purposes of complying with the Texas Records Management Act and implementing the approved Retention and Destruction Schedule in compliance with state law governing disposition of records (Texas Government Code, Section 441.035).

The Program Director of Records Management handles all matters in Records Management on behalf of the Vice President for Business Affairs.

All official records (paper, microfilm, electronic, or any other media) will be retained for the minimum periods stated in the Retention Schedule as approved by the Texas State Library and Archives Commission and the Texas State Auditor's Office. Notwithstanding such minimum retention periods, all records must be maintained until all required audits are completed, and they should be kept beyond the listed retention periods when there is a probability of litigation, either involving the records or requiring their use. Documents may also be maintained for the prescribed minimum retention

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periods in microform, if the microform reproduction is accomplished pursuant to a procedure that complies with state law (Texas Government Code, Section 441.038).

Vital records or records which are necessary for the continuation of the institution's operation following a disaster, will be identified and protected. Historical records will be preserved in the archives of the institution.

After a special period of time, official records must be disposed of in a manner that is consistent with, and systematically carried out in accordance with prescribed records and information guidelines and procedures of the Texas State Library.

### **D. Definitions**

**Vital Records** are defined as any state record necessary to the resumption or continuation of state agency operations in an emergency or disaster; the recreation of the legal and financial status of the agency; or the protection and fulfillment of obligation to the people of the state. Vital records should be identified in the Retention Schedule and protected in accordance with Texas Government Code, Section 441.183.

**Archival Records** is any state record that is retained permanently for lasting historical value and is used for research and reference by university offices and the general public. Archival or historical records are to be preserved in the archives of the institution. Archival documents should be identified in the Retention Schedule and maintained in accordance with Texas Government Code, Section 441.181.

**Historical Records** are those, which have been, declared so by the National Archivist or other official of The University of Texas at Brownsville and Texas Southmost College. Documents of Texas Southmost College until 1992 have been declared historical as well as the Pan American documents, and will be preserved in the archives of The University of Texas at Brownsville and Texas Southmost College. These are not to be destroyed.

### **E. Files Not Official Records**

Duplicate files, duplicate copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official records or record copies. Duplicates or non-record, convenience copies should be destroyed when they cease to be useful and should never be kept longer than the official record copy. A non-record copy includes a convenience copy or working copy created for a temporary use, such as circulated memoranda, as the original would be elsewhere.

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### **F. Records Retention Schedule**

The Retention Schedule is what each area in The University of Texas at Brownsville and Texas Southmost College prepares for its own office, following the Retention Schedule that was approved by the Texas State Library. All records will be maintained for the minimum periods stated in the Retention Schedule.

After all documents have been recorded in the Retention Schedule, which is composed of Institutional Wide Documents the Retention Schedules will be sent by the Vice President for Business Affairs to the Texas State Library for certification.

The Institutional Records Retention Schedule provides a list of official records for each department on campus and prescribes the periods of authorized retention. The schedule may be revised periodically to include a newly created record series, to change retention periods, or to delete a record series no longer useful. Appropriate approval procedures must be followed and completed before any revisions can become effective.

Official records kept only in **electronic format** must be identified in the Retention Schedule and must comply with the administrative rules of the Texas State Library, 13 Texas Administrative Code, Sections 6.91-6.99.

### **G. Destruction of Records**

No state records may be destroyed without permission from the Texas State Library as outlined in Texas Government Code, Section 441.187; 13 Texas Administrative Code, Section 6.7. This permission has been delegated to the Program Director of Records Management at The University of Texas at Brownsville and Texas Southmost College.

A state record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period for the record set in the approved institutional Records Retention Schedule. If no action as described above has been taken, records may be destroyed in accordance with the approved retention periods shown in the Records Retention Schedule. Prior to disposal of official records, all state and institutional records and information management regulations and policies must be followed.

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Form RMD 102, Request for Authority to Dispose of State Records, must be completed and submitted to the Program Director of Records Management to obtain approval for the destruction of public or official records. Unlisted records must not be destroyed until the Program Director of Records Management approves and returns the form to the appropriate university official.

Additionally, the Request for Authority to Dispose of Public Records must be completed and approval obtained before original records can be destroyed following microfilming, scanning, etc.

All requests for Destruction of Records should be submitted to the Program Director of Records Management.

### **H. Release Of Records (Texas Public Information Act)**

Under provisions of the Texas Public Information Act (Texas Government Code, Chapter 552), the Chancellor and the President of each U.T. System component institution may delegate their authority as the custodians of records to Public Information Officers. The Chancellor has designated the Executive Vice Chancellor for Business Affairs as the Public Information Officer at System Administration. The Public Information Officer at each component is the institution's chief business officer unless another individual is so designated in accordance with the procedures outline in Business Procedures Memorandum (BPM) 32.

Written requests for documents under the Texas Public Information Act should be directed to the Vice President for Business Affairs and handled immediately pursuant to the provisions of the Act and BPM 32.

### **I. Coordination with U.T. System Administration Records Management Officer**

State law requires each state agency to appoint a Records Management Officer (RMO) to act as the agency's representative in all issues of records and information management policy, responsibility, and statutory compliance pursuant to Texas Government Code, Section 441.184.

The RMO at System Administration serves as the liaison between the Texas State Library and the U.T. System component institutions and provides a clearinghouse for collection of institutional Records Retention Schedules to be submitted to

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the Texas State Library for approval and re-certification in accordance with Texas Government Code, Section 441.185; 13 Texas Administrative Code, Sections 6.1-6.10. In addition to coordinating the U.T. System records retention programs, the RMO is available to assist component staff members who are assigned records and information management responsibilities.

### **J. Review**

This policy will be reviewed biannually by the Vice President for Business Affairs.