

Retention and Disposition of Records

Objective:	To establish a County policy and procedures for the retention and disposition of local records kept by officials of a public corporation.	Policy/Procedure Number:	11-05
Reference: <i>(All applicable federal, state, and local laws)</i>	New York State Education Department State Archives, Records Retention and Disposition Schedule for New York Local Government Records, LGS-1; Section 185, 8NYCRR; Section 57, 8NYCRR; Local Government Records Law, Article 57-A, Arts and Cultural Affairs Law	Effective Date:	January 12, 1981
Legislative Policy Statement:		Responsible Department:	County Clerk's Office
General Information:	Procedures and requirements for disposition and retention of County Records. Proper retention and disposition of County records ensures the following: <ul style="list-style-type: none"> • That records are retained as long as needed for administrative, legal and fiscal purposes; • That State and Federal record retention requirements are met; • That record series with enduring historical and other research value are identified and retained permanently; and • That the systematic disposal of unneeded records is encouraged and facilitated. 	Modified Date (s):	May 19, 2009; March 2019; November 17, 2020
		Resolution No.:	81-012; 92-171; 09-83; 2019-54; 2020-157; 2020-190
		Next Scheduled Review:	March 2024

I. Definitions:

Records - All papers, books, maps, drawings, letters, photographs, films, microforms, magnetic or other tapes, films, electronic or optical data imaging records or other documentary material regardless of physical form or characteristics which have been or shall be created, received, filed, or recorded by any County office or department or its lawful successor, or officials thereof in pursuance of law or ordinance or in the conduct, transaction, or performance of any business, duty, or function of public business, whether or not confidential or restricted in use.

Schedule LGS-1 - A retention and disposition schedule issued by State Archives indicating the minimum length of time that all New York State local governments must retain their records before they may be disposed of legally.

Laserfiche - Electronic database that hosts enterprise content management, business process automation, workflow, records management, document imaging and webform software.

II. Policy:

- A.** County records shall be created, retained, and disposed of only in accordance with the provisions of this policy and all applicable Federal, State, and Local laws, including Schedule LGS-1.
- B.** Procedures and requirements for disposition and retention of County records are contained in the document "Records Retention and Disposition Schedule

LGS-1.” This document covers nearly all County records; the few instances to which Schedule LGS-1 does not apply generally are listed in Schedule LGS-1 with the correct source of information. It is recommended that for any record not listed, the custodian of the record should contact the State Archives to determine if it is indeed covered by this Schedule and if a legal minimum retention period has been established since the Schedule was last revised.

- C. Each department shall maintain a copy of Schedule LGS-1. The Schedule is available online at:

<http://www.archives.nysed.gov/records/local-government-record-schedule/lgs-1-title-page>

- D. The minimum retention period applies to all record copies regardless of the storage format for the record (paper, electronic, microfilm, etc.).
- E. No record that is eligible for destruction under Schedule LGS-1 may be destroyed if it is pertinent to any anticipated, current or pending litigation, subject of a legal hold, claim, or audit. If the retention period has expired by the time the legal action ends, the record must be retained for at least one (1) additional year to resolve any need for the record in an appeal. If the retention period has not expired, the record must be retained for the remainder of the retention period, but not less than one (1) year after the legal action ends. Prior to disposing of records after legal proceedings, the County Attorney should be consulted to verify that no legal actions have been initiated which would require longer retention of the records.
- F. Audits and other needs of State and Federal agencies are taken into account when retention periods are established by the State Archives. However, in some instances agencies with audit responsibility and authority may formally request that certain records be kept beyond the retention periods. If such a request is made, these records must be retained beyond the retention periods until the local government receives the audit report or until the need is satisfied.

III. Procedure:

- A. To submit permanent records to Records Management, departments must agree to maintain their records digitally in the Laserfiche repository. Paper records that are not of historic value will be disposed of and destroyed upon completion of scanning and storing in Laserfiche in accordance with Schedule LGS-1.
- B. The originating department can access their records by utilizing their Laserfiche records repository. The County Clerk’s Office is available for assistance.
- C. A department can only access their own records; they cannot access another department’s records. If a department requires access to another department’s records, a request must be sent to the originating department and the originating department will request access to those records from the County Clerk’s Office.