

100-RICR-50-00-3

TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 00 – N/A

PART 3 – RECORDS RETENTION SCHEDULES

3.1 Purpose

- A. To outline the procedures for preparing, reviewing, and approving Records Retention Schedules by the Public Records Administration, Office of the Attorney General and Office of the Auditor General.

3.2 Authority

- A. This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 ("Public Records"), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq., as hereafter revised and amended (the "Public Records Administration Act").

3.3 Definitions

- A. For the purpose of this Part:
1. "Advisory Opinion" or "Opinion" means the notification of the Office of the Attorney General or Office of the Auditor General that a proposed Records Retention Schedule and records retentions therein are acceptable from the perspective of legal and fiscal value.
 2. "Agency" means any department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government or acts on behalf of a governmental agency.
 3. "Certification of records destruction" or "Certification of emergency records destruction" means the form approved by the Agency head or their designee and the State Archivist and/or Public Records Administrator, authorizing the destruction of a record based on the Records Retention Schedule and serving thereafter as the valid and legal substitute for the destroyed record following destruction or other permitted disposition.
 4. "Digitally generated signature" means any signature that is created and/or generated by a computer software program that is:

- a. Created using a digital font; or
 - b. A non-certified image or scan of a "wet signature".
- 5. "Digitally certified signature" means any signature that is a certified image or scan of a "wet signature" that can be verified.
- 6. "Disposal" or "Disposition" means the final destruction of records, as determined by an applicable Records Retention Schedule, or transfer of records of historical value to the State Archives for permanent storage.
- 7. "Local Government Records Program" or "LGRP" means the unit within the Public Records Administration which shall be primarily responsible for assisting cities and towns with the care and management of their public records. The program shall be charged with designing and implementing a training program for local government records keepers; publishing Records Retention Schedules for the proper disposition of public records in local governments in adherence to § 1.6 of this Subchapter; and providing technical and advisory assistance in the storage, preservation, and ongoing maintenance of the records of local governments.
- 8. "Public record(s)" or "Record(s)" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other materials, regardless of physical form or characteristics, which are created or received by an agency, office, or general officer, either pursuant to law or relating to the transaction of public business, and which serve as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Agency or otherwise contain official government data.
- 9. "Public Records Administration" or "PRA" means the function of government established by R.I. Gen. Laws §§ 38-3-1 et seq. (Public Records Administration Act), as supervised, directed, and coordinated by the Public Records Administrator.
- 10. "Record copy" means the record that an agency designates as the official record for legal and business purposes, and to which the Agency applies records management policy measures for the protection, security, maintenance and/or preservation thereof.
- 11. "Record series" means a collection of records maintained as a group and derived from or related to a particular subject, activity, or function of an agency. Record series may be split into subseries.
 - a. "Legacy" means a record series which was duplicated across multiple Records Retention Schedules and shall identify for users the proper record series for records organization, use, or destruction.

- b. "Note" means additional information to assist in the use of the associated record series.
 - c. "Obsolete" means a record series which is no longer created or received.
 - d. "See Also" means secondary referenced record series retention is or may be applicable dependent on conditions.
 - e. "Superseded" means a record series which function still exists but is now represented in a different records series that is referenced in the See Also and shall be referred to identify retention for the purpose of requesting destruction authorization.
12. "Record series number" means the citation used to identify a specific record series or subseries (i.e., GRS1.2, GRS1.5A, etc.).
13. "Records Control Schedule", "Records Retention Schedule", or "Schedule" means the document or documents establishing the official retention, maintenance, and disposal requirements for a record or record series, based upon any administrative, legal, fiscal, and/or historical value related to that record or record series.
14. "Records officer" means the representative designated by the Agency head who is responsible for the operation of the records management program for the Agency and related communications with the Public Records Administration.
15. "Reserved" means a section, record series, or subseries title that has a designated number and is kept for future use. A reserved section may still include effective record series and subseries.
16. "Retention" means the duration of time that a record, record series, or other information shall be maintained.
- a. "Permanent" means records shall be retained permanently and considered for transfer to the State Archives for permanent storage of records of historical value.
17. "State Archives" means the official State repository for records of long-term or permanent legal or historical value.
18. "Wet signature" means a handwritten physical ink signature.

3.4 Records Retention Schedules

- A. The Public Records Administration and Local Government Records Program shall work on the development, amendment, and revision of General, State

Agency, Quasi State Agency, or Local Government Records Retention Schedules (Subchapters 10 through 40 of this Chapter). The Public Records Administration and Local Government Records Program shall:

1. Coordinate with agency subject matter experts and agency Records Officers, as appropriate, to draft new Records Retention Schedules, record series, and amendments to current Records Retention Schedules and records series;
 2. Provide forms for the development of record series and records inventory for creation of new Records Retention Schedules and amendments to current Records Retention Schedules;
 3. Advise and review records inventories submitted by agencies for historical value;
 4. Provide agencies the Records Retention Schedule draft for agency review, legal review, and sign off;
 5. Submit to the State Archivist & Public Records Administrator for approval and signature following review for historical value;
 6. Submit for advice, per R.I. Gen. Laws § 38-3-6(b), all Records Retention Schedules and amendments to:
 - a. The Office of the Attorney General for assessment of legal value; and
 - b. The Office of the Auditor General for assessment of fiscal value.
 7. Promulgate a regulation to adopt, amend, and repeal Records Retention Schedules and record series;
 8. Provide final signed Records Retention Schedule regulations to agencies upon completion of review and receipt of the Advisory Opinion from the Office of the Attorney General and Office of the Auditor General and promulgation of the Records Retention Schedule and record series; and
 9. Work with agencies to implement the Records Retention Schedule after the corresponding Records Retention Schedule regulation becomes effective.
- B. The Office of the Attorney General shall assist in the development, amendment, and revision of all Records Retention Schedules through the review of proposed Records Retention Schedules sent by the Public Records Administration for legal value. The Office of the Attorney General, shall:

1. Accept for review all Records Retention Schedules drafted by the Public Records Administration on behalf of agencies per R.I. Gen. Laws § 38-3-6(b);
 2. Review all submissions to determine necessity for review and/or confirm records series minimum retentions are appropriate based upon legal value; and
 3. Provide Opinion or confirmation on proposed Records Retention Schedules, and record series therein, within the review period identified in R.I. Gen. Laws 38-3.
- C. The Office of the Auditor General shall assist in the development, amendment, and revision of all Records Retention Schedules through the review of proposed Records Retention Schedules sent by the Public Records Administration for fiscal value. The Office of the Auditor General, shall:
1. Accept for review all Records Retention Schedules drafted by the Public Records Administration on behalf of agencies per R.I. Gen. Laws § 38-3-6(b);
 2. Review all submissions to determine necessity for review and/or confirm records series minimum retentions are appropriate based upon fiscal value; and
 3. Provide Opinion or confirmation on proposed Records Retention Schedules, and record series therein, within the review period identified in R.I. Gen. Laws 38-3.
- D. Records Retention Schedules, and record series therein, cannot be used for destruction until reviewed and confirmed by the Public Records Administration, Office of the Attorney General, and Office of the Auditor General, and have been promulgated and become effective.
- E. Public records cannot be destroyed if they are not on a Records Retention Schedule.
- F. The Public Records Administration may make minor, non-substantive corrections in spelling, grammar, and format to approved and promulgated Records Retention Schedules.
1. The Secretary of State shall make and preserve a record of the corrections.
- G. The Public Records Administration may make retention period updates after the initial approval of the record series without review and approval of the Attorney General and Auditor General if the record series retention is legislatively changed.

1. The Secretary of State shall promulgate an amendment, make and preserve a record of the update, and notify the offices of Attorney General and Auditor General.

3.5 Records Management Responsibilities

A. Every Agency shall:

1. Maintain an active records management policy (§ 1.5(A)(1) of this Subchapter) and program (§ 1.6(B) of this Subchapter) in adherence with the effective Records Retention Schedules;
2. Coordinate with the Public Records Administration or Local Government Records Program for the creation of Records Retention Schedules per § 3.4(A) of this Part; and
3. Submit Certifications of Records Destruction forms to the Public Records Administration or Local Government Records Program to request acceptable destruction of public records once minimum retention has been met or surpassed per §§ 1.8 through 1.8.3 of this Subchapter.

3.6 Disposition of Records

- #### **A. Records which have met the applicable minimum retention requirement in compliance with the effective Records Retention Schedule shall be physically and permanently destroyed in a timely and appropriate manner per R.I. Gen. Laws § 38-1-10 and § 1.8 of this Subchapter.**

3.7 Severability

- #### **A. If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the Regulations shall not be affected thereby.**