

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### RECORDS RETENTION AND DISPOSITION SCHEDULE

The retention periods governing the records series found on the following functional records schedules are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the North Carolina General Statutes, it is agreed that the records of the

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do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The Department of Natural and Cultural Resources (DNCR) consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in the following schedules:

1. Agency Management
2. Asset Management
4. Education
5. Financial Management
6. Governance
7. Healthcare
8. Human Resources
9. Information Technology
11. Law Enforcement
12. Legal
13. Monitoring and Compliance
14. Public Assistance and Support Services
15. Public Relations
16. Risk Management

Public records including electronic records not listed on an approved functional schedule are not authorized to be destroyed. The retention periods established in these functional schedules should be interpreted as minimums. If an agency chooses to retain records longer than required in the disposition instructions, this practice should be documented in internal agency procedures. In all cases, agencies must maintain logs documenting destructions. The presence of a records series on one of these schedules does not obligate an agency to create that record; however, if a record is not represented on any of these schedules, an agency may not destroy it without explicit authorization from DNCR.

References to confidentiality throughout the standards of the functional schedule are not meant to be exhaustive. Consult your legal counsel for questions concerning the disclosure of records. No claim of confidentiality of records can be made without specific regard to a state or federal authority.

### DESTRUCTIONS

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, Rule 04M .0510 of Title 7 of the North Carolina Administrative Code states:

"(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper; provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means."

For all records with a specified retention period, State agencies must maintain a destructions log as part of the Records Management File.

***Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.***

#### **AUDITS AND LITIGATION ACTIONS**

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings.

#### **ELECTRONIC RECORDS**

State agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

"After June 30, 1996, no public agency shall purchase, lease, create, or otherwise acquire any electronic data-processing system for the storage, manipulation, or retrieval of public records unless it first determines that the system will not impair or impede the agency's ability to permit the public inspection and examination, and to provide electronic copies of such records."

State agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place internal procedures for quality assurance and documentation of authorization for records destructions. This electronic records policy must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

#### **RECORD COPY**

A record copy is defined as "The single copy of a document, often the original, that is designated as the official copy for reference and preservation."<sup>1</sup> The record copy is the one whose retention and disposition is mandated by these functional schedules; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to designate clearly what position or office is required to maintain an official record for the duration of its designated retention period. In identified cases where records overlap between state agencies, the State Archives specifies on the schedules which agency is considered the record owner.

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<sup>1</sup> Richard Pearce-Moses, *A Glossary of Archival and Records Terminology* (2005)

### TRANSITORY RECORDS

Transitory records are defined as "record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use."<sup>2</sup>

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with the Functional Schedules for North Carolina State Agencies and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from the DNCR records analyst assigned to your agency.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, "while you were out" slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary's seal), they must be retained according to the disposition instructions for the records series encompassing the forms' function.

### HISTORICAL VALUE

The term historical value is used interchangeably with archival value. The SAA *Glossary of Archival and Records Terminology* defines it as "the importance or usefulness of records that justifies their continued preservation because of the enduring administrative, legal, fiscal, or evidential information they contain."<sup>3</sup> There are certain record types on these schedules about which the Government Records Section is giving the creating agency the discretion to determine historical value. These items are indicated with a disposition of Permanent but also have a companion item that allows for the destruction of routine items when their reference value ends. Advertisements and press releases are two good examples – there will be some ads and press releases associated with agency events or initiatives that have historical value and should be retained permanently, while there will be many more of a rather mundane nature that can

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<sup>2</sup> Ibid.

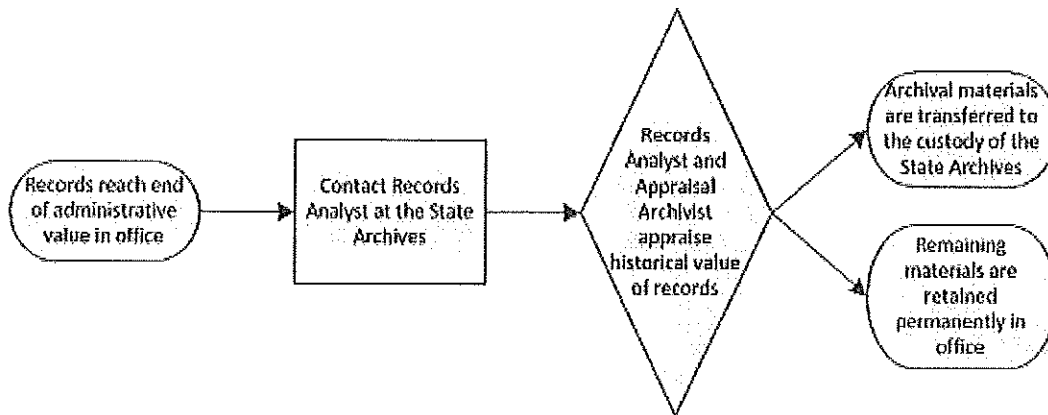
<sup>3</sup> Ibid.

be destroyed when they have no further value to the creating agency. Two criteria for determining historical value are inherent interest and extraordinary documentation:

- Inherent interest is created by non-routine events, by the involvement of famous parties, and by compelling contexts. For instance, foreclosure proceedings from the 1930s have high historical value because they date from the era of the Great Depression.
- Extraordinary documentation is found in records that shed light on political, public, or social history. For instance, the records from the replevin case that returned the Bill of Rights to North Carolina hold more historical value than most property case files because of the political history intertwined with this case.

Records with historical value are identified with one of three designations in the Disposition Instructions:

- PERMANENT: These records will be retained in office permanently.
- PERMANENT (appraisal required): When these records no longer have administrative value in office, the agency will contact the Government Records Section so the records can be appraised by a records analyst and an appraisal archivist. These individuals will determine whether the records should be retained in office permanently or transferred to the custody of the State Archives of North Carolina.

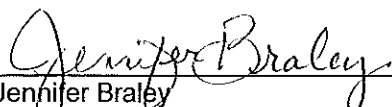


- PERMANENT (archival): These records will transfer to the State Records Center so they can be transferred to the custody of the State Archives of North Carolina.

As with any situation in which a state agency has questions about the records it produces and maintains, the records analyst assigned to the agency is available for consultation on decisions about historical value.

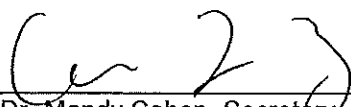
The Department of Health and Human Services agrees to destroy, transfer or dispose of records as specified herein. This schedule is to remain in effect until superseded. If the required functions of the agency change, the agency must contact a records analyst to have this agreement amended.

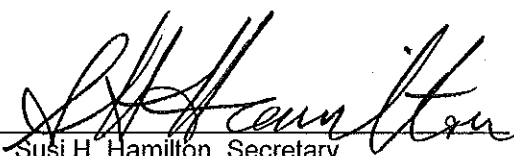
**APPROVAL RECOMMENDED**

  
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Jennifer Braley  
Chief Records Officer

  
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Sarah E. Koonts, Director  
Division of Archives and Records

**APPROVED**

 (by MKC)  
\_\_\_\_\_  
Dr. Mandy Cohen, Secretary  
Department of Health and Human Services

  
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Susi H. Hamilton, Secretary  
Department of Natural and Cultural  
Resources