Compliance

Records Retention
Compliance Training
UT Dallas is a State of Texas agency and must comply with Texas records management policies and regulations. The law requires that UT Dallas inform you of your responsibilities in handling state records.

**Policies**

- Preservation and Management of State Records and Other Historical Resources, Government Code, Chapter 441, Subchapter L - [State Records Management Laws - 441.180](https://www.urban.org/about/records-management).
- Administrative Rules of Texas State Library and Archives Commission Texas Administrative Code, Title 13, Chapter 6 - [Texas Administration Code](https://www.urban.org/about/records-management).
- UT Dallas’ Policy of Records Management and Retention - [Records Management and Retention - UTDBP3001](https://www.urban.org/about/records-management).
- UT System’s Records and Information Management - [UT System Policy - UTS115](https://www.urban.org/about/records-management).
- UT Dallas’ Records Retention Schedule - [Records Retention Schedule](https://www.urban.org/about/records-management).
Training Overview

Part 1: What Counts as a State Record?
Part 2: How to Handle State Records?
Part 3: Case Studies and Answers
Part 1

What Counts as a State Record?

Texas records management laws only apply to things that fit the definition of a state record. The law defines a state record as:

• “...any written, photographic, machine-readable, or other recorded information created or received by or on behalf of a state agency...that documents activities in the conduct of the state business or use of public resources.”
• Most of the things that we handle every day fit this definition.

Examples of State Records

• E-mails.
• Meeting minutes/notes or recordings.
• Calendar entries.
• Time sheets.
• Vacation requests.
• Account reconciliations.
What’s not Considered a State Record?

Not everything is a state record. The laws excludes these items:
  • Library or museum material made or acquired and maintained solely for reference or exhibition purposes.
  • An extra copy of recorded information maintained only for reference.
  • A stock of publications or blank forms.

For Example
If your office has a stack of brochures about the programs and services you offer, Texas record management laws do not apply to the brochures.
Part 2

Handling State Records

Why does the law require us to handle state records in specific ways and why records management is important?

• The Texas Public Information Act requires that our records remain accessible to the public.
• Some state records are important for the operations of state agencies, both on an ongoing basis and when needed during emergencies or after disasters.
• Some state records have value as original source materials related to Texas culture and history.
• Good records management saves time and money by:
  o Improving access to information for both external and internal users.
  o Using our space efficiently.
Each Type of State Record Requires Different Handling

The law defines four types of state records:
1. Confidential.
2. Vital.
3. Archival.
4. Transitory.

This training will focus on:
• Retention: How long each should be kept on file.
• Disposal: How to dispose of the record when no longer needed.

Because our focus is retention and disposal, we can look at state records as belonging to one of two groups:
• Those you must keep on file.
• Those you can throw away.
### Each Type of State Record Requires Different Handling, Cont.

<table>
<thead>
<tr>
<th>Record Type</th>
<th>Brief Definition</th>
<th>Keep on File or Throw Away</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidential</td>
<td>Public access is restricted or denied by state or federal law</td>
<td>Keep on file for the retention period</td>
</tr>
<tr>
<td>Vital</td>
<td>Needed for operations or to protect the rights of individuals and organizations</td>
<td>Keep on file for the retention period</td>
</tr>
<tr>
<td>Archival</td>
<td>Records of enduring historical value</td>
<td>Keep on file</td>
</tr>
<tr>
<td>Transitory</td>
<td>Needed only for a limited period of time to complete an action</td>
<td>Throw away when convenient</td>
</tr>
</tbody>
</table>

**Summary**

Transitory records are the only state records you can throw away without ever keeping on file.
Get Familiar with the Four Types of State Records

Confidential
These records are under restricted access or inaccessible to the public due to state or federal law.

For Example
• Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
• Student records.
• Certain law enforcement and prosecutorial information.
• Audit working papers.
Vital
These contain information needed to continue operations during or shortly after a crisis and to protect the rights and interests of individuals and organizations. They also serve to fulfill our obligations, such as the Public Information Act.

For Example
• Contracts.
• Patents.
• Academic records.
• Customer records.
• Laboratory notebooks.
• Policy or procedure manuals.
Get Familiar with the Four Types of State Records, Cont.

**Archival**
These have enduring historical value that will be preserved on a continuing basis until an archivist indicates the record no longer merits further retention.

**For Example**
- Manuscripts.
- Maps.
- Photographs and artistic depictions.
- Other printed materials or recorded information relating to the history and culture of UT Dallas.
Get Familiar with the Four Types of State Records, Cont.

Transitory Records are the only records you can throw away. These have temporary usefulness and are not an integral part of any other set of records. They are required only for a limited period of time to complete an action.

For Example

• Routine messages.
• Junk mail and unsolicited mail not related to university business.
• Preliminary document drafts that don’t represent significant steps in the preparation of a record document.
• Messages you did not originate or add to in a thread.
• Any message not the final reply in a thread.
• Materials with no informational value, such as telephone call slips, letters of transmittal, route slips, etc.
• Reference materials and any other similar routine information used for communication but not for the documentation of a specific agency transaction.
Guidelines for Knowing What to Keep

Only keep the original record. You can keep copies for convenience, but you should never keep them longer than the original record. You must keep a record if any of the following apply:

- It was created by your department.
- It details a business action with which you or your office are directly involved.
- It is the only source of certain information; the information is not available anywhere else.
- It was received from outside UT Dallas and relates to UT Dallas matters.
- It contains information critical to UT Dallas business operations.

Who keeps it?
The original records should be retained by the initiating office. If you’re keeping copies for convenience, make sure you do not keep them longer than the initiating office.

**Remember**
You can throw away transitory state records whenever convenient, but you must handle all other state records carefully.
How Long to Keep Records

Follow the UT Dallas Records Retention Schedule. It lists most types of records and specifies how long to keep each item on file.

Exceptions

• You must keep a record longer if it is involved in any claim, audit, litigation, negotiation, administrative review, public information request, or other action. It must be retained until the completion of the action and the resolution of all issues that arise from it.

• Records pertaining to grants and contracts must be retained for at least 3 years after the close of the grant/contract, but the time may vary depending on the agency.

Remember

If you file documents by date, it’s easier to follow the records retention schedule.
Always Get Authorization Before Disposing of Non-transitory State Records

Follow these steps when you believe that a record is no longer required to be kept on file.

1. **Complete** the appropriate form.
   - For state records listed on the records retention schedule use the [Request for Disposal of State Records](#) form, which requires an approval signature from the appropriate department head.
   - For state records not listed on the records retention schedule contact Teresa Johnston at 972-883-2797 or by e-mail at tjohnstn@utdallas.edu.

2. **Send** the completed form (s) to the Records Retention Officer to mailstop SG10 or by e-mail: tjohnstn@utdallas.edu or claudia.tatum@utdallas.edu.

3. **Wait** for a response. You might get authorization to destroy the records, other instructions, or follow-up questions.
Always Destroy Records Appropriately

Follow the law when disposing of state records. If the records contain confidential or private information, you must dispose of them in a way that maintains their security.

For Example

- Shredding.
- Using a locked recycling container.
Part 3

Case 1

Imagine that your office keeps old copies of other universities’ course catalogs because sometimes you and your co-workers use them as reference materials. At first it was convenient, but the catalogs are starting to take up too much space. You have some catalogs that are over 15 years old.

Question: What should your office do about these catalogs?
Case 1: Answer

Your office should dispose of most of the catalogs because:

• They are transitory records, they are reference materials that your office did not create, and you are probably keeping these “convenience copies” longer than the initiating office, which you should avoid.
• They are taking up too much space in your office, reducing your office efficiency.
• These catalogs are being maintained at their respective universities as vital records, and if you ever needed that information, you could contact them.
• To dispose of these items, your office should simply recycle them like any other paper item. You do not need to take extra disposal precautions because the course catalogs do not contain any confidential or private information; they are published for the public.
Case 2

Imagine that you and your co-worker, Maria, have been working on a proposal for the university, and you’ve just submitted the finished product.

You and Maria had worked on the proposal by sending it back and forth between yourselves; one would do a little work on it, then send it to the other, and so on. As you look back through your computer files, you see that you have over 20 versions of the proposal.

**Question:** What should you do about all these files? Should you delete any of them? Keep all of them?
Case 2: Answer

• Your proposal is a state record, but your drafts may or may not be state records. You can safely delete many of these drafts, but you have look through them to see which (if any) should be kept.
• You can delete the ones that fit the definition of transitory records, which in this case are the preliminary drafts that don’t represent significant steps in your preparation of the proposal.
Imagine that your supervisor sends you an e-mail giving you instructions on how she wants you to complete a project. You reply to the e-mail because you have a few questions. She replies to your questions, and you begin working on the project.

**Question:** Which of the e-mails should you keep, and which should you delete?
You know you’re required to keep at least one of these e-mails because they:

• Document activities in the conduct of state business.
• Detail a business action with which you or your office are directly involved.
• Are the only source of certain information; the information is not available anywhere else.

You can safely delete some of them, but you have to make sure you keep the right one. Here is how to decide which ones are transitory records, the ones you can delete:

• Did you originate or add to the e-mail thread? If yes, you cannot delete them all.
• Which of the e-mails are not the final reply in the thread? All of them but your final reply to your supervisor. If yes, you can safely delete all but the final reply in the thread.
Resources

UT Dallas’ Records Retention Schedule: Records Retention Schedule.

Records Retention Training: Training module is available at the EHS - Business Services - Records Retention website and UT Dallas’ Office of Institutional Equity and Compliance website.

Forms: Authorization forms to destroy state records.

• For state records listed on the records retention schedule use the Request for Disposal of State Records form, which requires an approval signature from the appropriate department head.
• For state records not listed on the records retention schedule contact Teresa Johnston at 972-883-2797 or tjohnstn@utdallas.edu.
• Send the completed form (s) to Mailtop SG10 or by e-mail to: tjohnstn@utdallas.edu or claudia.tatum@utdallas.edu.
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