



RESOLUTION TITLE: ADOPTION OF NC DEPARTMENT OF CULTURAL RESOURCES RECORDS RETENTION SCHEDULES

WHEREAS, the NC Department of Cultural Resources, Division of Historical Resources Archives and Records requires official approval of the Records Retention and Disposition Schedule Amendments in order to maintain public records as required by law; and,

WHEREAS, the schedules require approval as outlined in G.S. 121-5(b) and submitted for approval by the NC Department of Cultural Resources, Division of Historical Resources Archives and Records; and,

WHEREAS, in 2019 the Government Records Section of the State Archives of North Carolina transitioned the process for updating local records retention schedules to a new model, which updates GENERAL records (records common to all government agencies) on an annual basis, and PROGRAM Record Retention Schedules (those records unique to an agency's mission) to be updated on a rotated schedule (approximately every five years). The BOC will adopt and sign these schedules as they are released; and,

WHEREAS, the 2021 General Records Schedule for Local Government Agencies will supersede the 2019 version, upon adoption; and,

WHEREAS, the 2021 Program Records Schedule for Local Government Agencies is a new retention schedule created from the former County Management Schedule (last updated in 2013) and the Municipal Retention Schedules (last updated in 2012). This Schedule replaces the former County Management Schedule.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby adopts the 2021 General Records Schedule for Local Government Agencies and the 2021 Program Records Schedule for Local Government Agencies, authorizing the County Commission Chairman to execute said schedules (hereby incorporated by reference) and directs the Clerk to the Board to notify the NC Department of Cultural Resources, Division of Historical Resources Archives and Records in Raleigh of this action.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	AFrale	BHovis	KJohnson	TKelgher	JPhilbeck	RWorley	Vote
2022-011	01/25/2022	BH	AF	A	A	A	AB	AB	AB	A	U

DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

2021 General Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 General Records Schedule: Local Government Agencies:**

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. 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."

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

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, notwithstanding the instructions of this schedule.

Electronic Records

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government 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:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government 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 procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records 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.

Reference Copies

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when “*reference value ends*.” All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction “*destroy when reference value ends*.” If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction “*destroy when reference value ends*.”

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.”¹ The record copy is the one whose retention and disposition is mandated by this schedule; 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

¹ Society of American Archivists, *Dictionary of Archives Terminology*.

designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

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.”²

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 their appropriate retention schedule 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 a DNCR records analyst.

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 and external policies
- 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.

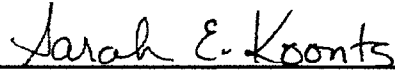
Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any 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.

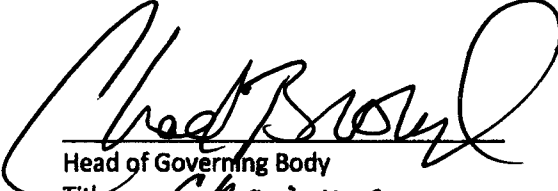
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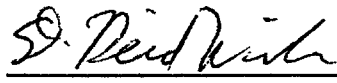
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APPROVAL RECOMMENDED


Municipal/County Clerk or Manager
Title: County Manager

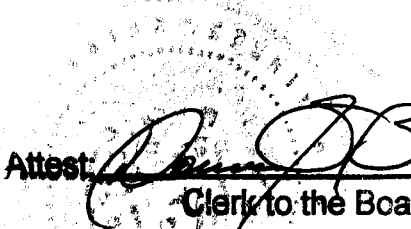
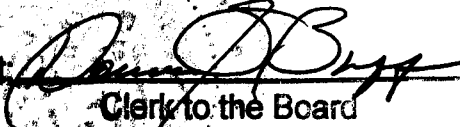

Sarah E. Koonts, Director
Division of Archives and Records


Head of Governing Body
Title: Chairman **APPROVED**


D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

Municipality/County: Gaston

Effective: October 1, 2021


Attest: 
Clerk to the Board

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² Ibid.

Program Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 Program Records Schedule: Local Government Agencies**:

10. Airport Authority Records
11. Animal Services Records
12. Code Enforcement and Inspection Records
13. Emergency Medical Services and Fire Department Records
14. Parks and Recreation Records
15. Planning and Regulation of Development Records
16. Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records
17. Public Transportation Systems Records
18. Public Utilities and Environmental/Waste Management Records
19. Street Maintenance, Public Works, and Engineering Records
20. Law Enforcement Records (excluding Sheriff's Offices)
21. Tax Records (for municipalities)

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

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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.

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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.

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- Drafts and working papers for internal and external policies
- 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
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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.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. These schedules supersede previous versions of these schedules and any localized amendments; they are to remain in effect from the date of approval until they are reviewed and updated.

² Ibid.

APPROVAL RECOMMENDED

Kim Ayers
Municipal/County Clerk or Manager
Title: County Manager

Sarah E. Koonts
Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Chad Brown
Head of Governing Body
Title: Chairman

D. Reid Wilson
D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

Attest: Ronald J. Byrd
Clerk to the Board
Effective: October 1, 2021

County/Municipality: Gaston

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² Ibid.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Board of Commissioners Board Action

File #: 21-482

Commissioner Brown - BOC - To Adopt the Revised NC Department of Cultural Resources Records Retention Schedules

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

Government Records Section of the State Archives of North Carolina has issued updated local records retention schedules.

- 1) 2021 General Records Schedule: Local Government Agencies: Since many of the records created on a daily basis are common to all government agencies, this schedule consolidates those standards into a General Schedule, to be updated annually. The records standards included in this schedule are:
 - Standard 1: Administration and Management Records
 - Standard 2: Budget, Fiscal, and Payroll Records
 - Standard 3: Geographic Information System Records
 - Standard 4: Human Resources Records
 - Standard 5: Information Technology Records
 - Standard 6: Legal Records
 - Standard 7: Public Relations Records
 - Standard 8: Risk Management Records
 - Standard 9: Workforce Development Records
- 2) 2021 Program Records Schedule: Local Government Agencies: A NEW retention schedule, created from the former County Management Schedule (last updated in 2013) and the Municipal Retention Schedules (last updated in 2012), was combined and issued in 2021. This Schedule replaces the former County Management Schedule and the records standards included in this schedule are:
 - Standard 10: Airport Authority Records
 - Standard 11: Animal Services Records
 - Standard 12: Code Enforcement and Inspection Records
 - Standard 13: Emergency Medical Services and Fire Department Records
 - Standard 14: Parks and Recreation Records
 - Standard 15: Planning and Regulation of Development Records

(Continued on Page 2)

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	AFrale	BHovis	KJohnson	TKeigher	TPhilbeck	RWorley	Vote
2022-011	01/25/2022	BH	AF	A	A	A	AB	AB	AB	A	U

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Commissioner Brown - BOC - To Adopt the Revised NC Department of Cultural Resources Records Retention Schedules
Page 2

- Standard 16: Public Housing Authorities, Redevelopment Commissions & Entitlement Communities Records
- Standard 17: Public Transportation Systems Records
- Standard 18: Public Utilities and Environmental/Waste Management Records
- Standard 19: Street Maintenance, Public Works, and Engineering Records
- Standard 20: Law Enforcement Records (excluding Sheriff's Office)
- Standard 21: Tax Records (for municipalities)

3) **ADOPTION:** The Board of Commissioners hereby adopts the updated ***General Records Schedule*** and the new ***Program Records Schedule for Local Government Agencies***, incorporated herein by reference, and directs the Clerk to the Board to notify the NC Department of Cultural Resources, Division of Historical Resources Archives and Records in Raleigh of this action.

ATTACHMENTS

Resolution and Signature Page; General Records and Program Records Schedules and General and Program Schedule Change Logs