

RECORDS RETENTION AND DISPOSITION

All information regarding records retention and disposal is located on the Secretary of State website. The following are the procedures we use to dispose of any records of the Town.

Also, in a separate section of this manual is the Schedule 8—Local Government Records Retention Schedule. (This is also on the SOS website). Should reprint periodically to ensure the most current schedule is included in the manual.

Procedures for destruction of local government public records (MCA 2-6-405 (d):

Step 1: Prepare a request and Authorization form for the disposal of records. This will either be a RM60 (which must be sent to the State Local Government Records Committee for approval, usually for records over 10 years old) or a RM88 for records that do not need permission from the State Local Government Records Committee. **Note:** The schedule 8 Municipal retention schedule lists the forms needed.

Step 2: Send the Request and Authorization for Records Destruction form to:
Local Government Services, P.O. Box 200547, Helena, MT 59620-0547
Or scan the completed form and email to <https://sosmt.gov/Records/Local/>

RM 60- Once approved by the Local Government Services Bureau, the Montana Historical Society, and a Local Government employed committee member, the form will be returned to you. You may then dispose of approved items that are not 10 years old or older.

The Montana Historical Society will forward requests with items that are **10 years** or older to the Secretary of State Records & Information Management (RIM) Division to post on the Local Government Records list-serve for the 60- day notice period. Once posted, the RIM Division will forward the disposal request back to you. You must hold these records for 60 days. If you are contacted during the 60-day period, you must transfer the record(s) to the requesting party in the priority order shown in MCA 2-6-1205. The Local Government Records Committee recommends that each local government agency adopt a policy to manage multiple requests for the same record(s). The requesting party is required to pay all costs associated with the transfer. If no one has requested your records after the 60-day period is up, you may dispose of them.

RM 88-- This form is for records under 10 years or do not require an RM 60 form must be submitted to the State Historical Society, either send by mail – Montana Historical Society, PO Box 201201, Helena MT 59620 or email, jofoley@mt.gov . Once documentation has been received from the State Historical Society that they do not want the records, etc. Place the documentation from the State Historical Society with the RM 88 form.

Step 3: Request approval to dispose of records from Town Council. Put the request on the meeting Agenda. Provide copies of the request in the Council packet for their information. Council Approves by Motion.

Step 4: Dispose of the records by tossing in the garbage, recycling, or shredding. You **MUST shred any documents that have identification numbers (social security numbers, etc), bank account numbers or information.**

Step 5: Once you have transferred or disposed of the approved items, sign the CERTIFICATE OF DESTRUCTION located on the signature page of the Request for Records Disposal or Transfer Authorization form. Keep the original in your office. (30 year retention)

Definitions

Active records Records frequently referred to and used on a daily, weekly, or monthly basis.

Administrative records Records relating to budget, personnel, supply, and similar housekeeping or facilitative functions common to most offices, in contrast to program records.

Case files Material related to a specific action, event, person, organization, location, or project. Also known as project files.

Destruction Methods of destroying records include:
burning, pulping, shredding macerating, burial,
discarding with other waste materials, and
selling or salvaging the record medium (e.g., recycling).

Disposition Disposition is the actions taken regarding records no longer needed for current government business, including:
transfer to a storage facility,
transfer from one department or government entity to another,
transfer of permanent records to an archives, and
destruction of temporary records.

Inactive files Records infrequently referred to; generally used less than once every three months.

Non-current records Records no longer required in the conduct of active business.

Office of record Office which maintains the "record" copy of a document.

Program records Records relating to the mission or the unique, substantive functions of an office.

Project files Material related to a specific action, event, person, organization, location, or project. Also known as case files.

Public records, a public record includes "any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies of the records, *regardless of physical form or characteristics*, that has been made or received, in connection with the transaction of official business, and preserved for informational value or as evidence of a transaction.

Reading files Material, such as correspondence and reference materials, filed in chronological order; generally used for reference and convenience.

Record copy the “record” copy is the principal copy of any letter or document. Also referred to as the official file copy.

Record series File units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular form, or have some other relationship arising out of their creation, receipt, or use. Generally handled as a unit for disposition purposes.

Records schedule A records schedule - or records retention and disposition schedule – is a document providing minimum period of time records must be retained and instructions for what to do with records no longer needed for current government business.

Subject files Material filed by subject, usually in alphabetical order.

Transitory records Records which do not have value beyond the immediate purpose for which the document is created, such as transmittals and meeting notices.

Vital records Records that are essential to resume or continue operations during and after an emergency; records necessary to recreate the local government’s legal and financial position; and records necessary to preserve the rights and interests of the local government, its employees, residents, and other individuals directly affected by the local government’s activities.

Appraising Records

As records, files, etc are created you can determine how long you need to keep them (retention period) and what to do with them once they are no longer useful (disposition).

You need to consider the value of each record from a number of different perspectives before deciding whether it must be preserved and for how long:

- **Administrative value.** Most records are created as administrative tools to help accomplish the functions for which an agency was established. In most cases, the primary administrative value of a record will be exhausted when the transaction to which it relates is completed.
- **Legal value.** If a record contains evidence of a legally enforceable right or obligation of government, then it probably has legal value. Among this type of record are those that show the basis for an action (legal decisions, opinions), financial and other documents representing legal agreements (leases, titles, contracts), and records of actions taken in a particular case (claims, dockets). The legal value of a record will often be evident from its title, such as contract, purchase order, lease, title, deed, birth certificate, license, corporate charter, some personnel records, and certain medical records.

- **Fiscal value.** To fulfill their financial obligations, governmental agencies need to keep such records as budgets, ledgers, allotments, payrolls, vouchers, warrants, and encumbrances. These all have fiscal value, as would almost any document needed for a fiscal audit.
- **Historical value.** Even when a document no longer has any administrative, legal, or fiscal value, it still may have historical or documentation value and so should be retained. Records that contain authentic evidence of an agency's organization, function, policies, decisions, procedures, operations, or other activities are examples. This type of information may be found in policy records, organizational documents, memos, correspondence, and reports. "Historical" records that are not used in the day-to-day operations of an agency should be transferred to the State Archives of the **Montana Historical Society**. If you need guidance as to what constitutes a historical record, contact the State Archivist at (406) 444-6779.

As you prepare records for storage the box should be clearly marked with:

- Contents—Brief Description
- Date(s) of records
- Retention period (use the retention schedule for determination)
- Possible disposition date

Disposing of and Destroying Records

When you no longer need regular access to certain records, you can dispose of them in one of the following ways:

- transfer to a storage facility
- transfer from one department or governmental entity to another
- transfer of permanent records to an archives
- destruction of temporary records

When a record is eligible for destruction, you can destroy it in one of the following ways:

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Although the law allows you to destroy **employment records** 10 years after an employee has left your employ, you should consider keeping them longer, because they may not be available anywhere other than your office.

In the event of a **lawsuit** against the town, it is very important that you stop the destruction of records that might be pertinent to the suit, even if the records have met their scheduled retention period. If a judge thinks you intentionally destroyed pertinent records, the town could be sanctioned. If your agency is presented with a subpoena, tell the town attorney immediately and find out what records he or she may need in order to defend the town.

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Rm 60 INSTRUCTIONS

- **Entity, Contact, Address, Phone #, and E-mail:** Fill out all of these fields at the top of the form. The DISPOSAL REQUEST NUMBER is optional. Most offices use a year + number of request, i.e., 2010-01.
- **Schedule #:** Record the Retention Schedule # that applies to your entity and/or record type. Schedules are towards the bottom of the Local Record Forms and Retention Schedules web page.
Note: If your entity type does not have its own schedule, the record type may be listed in the General Schedule (1). If you are associated with a municipality or county, you can search their schedules for your record types. If your records are unique to your local government, contact a member of the Local Government Records Committee (<http://sos.mt.gov/Records/Committees/local.asp>) about creating your own schedule or adding these records to another schedule, if applicable.
- **Item #:** Record the Item # located to the left of the Record Title and Description on the Retention Schedule. Also include the letter(s) if applicable (i.e., item 5a).
- **Page #:** If using the **Municipal (#8)** or **School District (#7)** schedules, please fill in each item numbers' corresponding page number due to the fact that the same item numbers are used multiple times in these schedules. This field is optional for all other schedules.
- **Description of Records:** Go to the appropriate Retention Schedule and use the RECORD TITLE AND DESCRIPTION from the schedule that best fits your record.

Notes:

- **Wording Applicable to Your Office:** You can add your office's description of the record, after the schedule's description, if desired.
- **Request for Change in Records Schedule Form:** If you cannot find an appropriate RECORD TITLE AND DESCRIPTION within your Retention Schedule(s) that match your record type, you may need to fill out a *Request for Change in Records Schedule* form, located above the *Request for Records Disposal or Transfer Authorization* form.
- **Multiple Boxes** - If you have multiple boxes of records with the same record title and description, you may use just one line on the form that encompasses all of the boxes' inclusive dates.
- **Inclusive Dates:** Include the dates for the records being disposed. Use the full date if possible. If not, the month and year will suffice; or if you can only provide the year, note on the form if it pertains to the fiscal year or calendar year.
- **Confidential:** You must indicate whether the record is confidential with an "X". Confidential records are not posted to the List Manager and should be destroyed by shredding.
- **10 Year Rule:** Use an "X" to indicate if your records are 10 years old or older.
- **Dispose – Yes or No:** Leave blank. For Local Government Committee use, only.
- **Agency Comments:** Use this section to record pertinent information regarding your records (i.e., microfilmed, duplicate copy, record copy, transferred, etc.)
- **Audit History or Committee Comments:** Leave blank. For Local Government Committee use, only. **Note:** For records whose retention period is dependent on an audit (e.g., audit + 7yrs), retention years (e.g., audit + 7yrs) begin the month that the local government's **final** fiscal year audit report is received from the independent auditor.
- **Signatures:** At least two different signatures must be obtained before sending your disposal request to the Committee for approval: a member of the governing body (i.e., Mayor, County Commissioner, Judge, Director, Trustee, etc.), the records custodian and/or the clerk.

If you have any questions while filling out the form, call or e-mail Beth Riitano at (406) 444-9135 or Brittano@mt.gov, or, if unavailable, another member of the Local Government Records Committee.

1. Send your completed form, by email, to SOSLocalGovtRecCom@mt.gov; or mail to:

Local Government Services Bureau
Attn: Beth Riitano
P.O. Box 200547
Helena MT 59620-0547

Once approved by the Local Government Services Bureau, the Montana Historical Society, and a Local Government employed committee member, the form will be returned to you. You may then dispose of approved items ***that are not 10 years old or older.***

2. The Montana Historical Society will forward requests with items that are 10 years or older to the Secretary of State Records & Information Management (RIM) Division to post on the Local Government Records list-serve for the 60-day notice period. Once posted, the RIM Division will forward the disposal request back to you. You must hold these records for 60 days. If you are contacted during the 60-day period, you must transfer the record(s) to the requesting party in the priority order shown in MCA 2-6-1205. The Local Government Records Committee recommends that each local government agency adopt a policy to manage multiple requests for the same record(s). The requesting party is required to pay all costs associated with the transfer. If no one has requested your records after the 60-day period is up, you may dispose of them.

Once you have transferred or disposed of the approved items, sign the CERTIFICATE OF DESTRUCTION located on the signature page of the *Request for Records Disposal or Transfer Authorization* form. Keep the original in your office.

In accordance with 2-6-1202, 7-5-2132, 7-5-4124 and 20-1-212 and upon the order of the governing body, we the undersigned affirm the records listed on this disposal request are not subject to any litigation, legal or regulatory hold, and any financial records listed have been audited. See Notification on Central Registry (Ten Year Rule) below. Typed name below is acceptable as the signature.

Authorized Local Government Representative:		Date:	Phone:
Name:			
Title:			
Records Custodian:		Date:	Phone:
Name:			
Title:			
LOCAL GOVERNMENT SUBCOMMITTEE SIGNATURES REQUIRED FOR DISPOSAL APPROVAL			
Department of Administration Committee Member:			
Name:		Date:	
Signature:			
Montana Historical Society Committee Member:			
Name:		Date:	
Signature:			
Local Government Committee Member:			
Name:		Date:	
Signature:			
NOTIFICATION ON CENTRAL REGISTRY			
Per MCA 2-6-1205, public records listed on this form that more than ten (10) years old and are approved for disposal may not be destroyed until they have been listed on a central registry and offered to various agencies and the public for 60 days.			
Request for Records Disposal or Transfer Authorization have been listed on the central registry.		Unclaimed records may be disposed 60 days after this date:	
Completed by			
Name:	Signature:		
TEN YEAR RULE:			
Public records more than ten (10) years old approved for destruction may not be destroyed for 60 days after the date listed on the central registry.			
Certificate of Transfer/Destruction/Disposition Comments			
I hereby attest that I have destroyed, transferred or retained records as designated by the Local Government Subcommittee. If transferred, I have noted in the "Comments" field above, the entity to which the records have been relocated.			
Name:	Title:	Date:	
Signature:			

INSTRUCTIONS RECORDS DESTRUCTION FORM (RM88)

Records Destruction Form can be used by any State Agency to track and maintain information on all public records that they destroy.

INSTRUCTIONS TO COMPLETE THE RM88

	NO.	Use to track each destruction document Example: NO. 1 etc.
	Page of pages	Include page numbers starting with 1 thru all pages
1.	Agency Name and Division/Program	Spell out your agency's name, and Division, Bureau, Program etc., that owns the records that are being disposed of. Example: Department of Administration, State Procurement Bureau.
2.	Agency Contact	Type or Print the name of contact person, include phone number and email.
3.	Notice of Intention	Select one of the choices in which the documents will be destroyed. If choosing other, explain what other is.
4.	Submitted by	Signature, Name / Title and Date of person responsible for certifying that the records met all requirements for destruction. If records are declined by the Historical Society attach the document from them to the form.
5.	List of Record Series	<ul style="list-style-type: none"> a. Enter the Schedule Number listed on the state General Retention Schedule or the name or number on an Agency-Specific Retention Schedule (RM3) Example: General Schedule (GS 3) or Agency 320101. b. Enter the Item Number as listed on the State General Retention Schedule or the Agency-Specific Retention Schedule (RM3). c. List the Record Series Title, matching the Series Title on the General Retention Schedule or Agency-Specific Retention Schedule. Example: GS-3 Item 15, or Agency 320101 Item 02. d. Retention of records-Total in years/months or days. e. Inclusive Dates: Enter the Beginning month and year and the End month and year of record series being disposed. f. Volume in Cubic Feet: One record center box equals 1 cubic foot. Filing cabinet drawer 1.5 cubic feet. g. Disposition Action and date: List if the records are, deleted, shredded, incinerated or tossed. <p>NOTE: ATTACH ANY INVENTORIES OR EXCEL SPREADSHEETS TO THE FORM TO HELP WITH VALIDATING THE RECORDS DESTROYED.</p>
6.	Disposal Authorization	Obtain the signature authorization before proceeding with the destruction of the records.
7.	Disposal Certificate	Obtain the signature and date of the person who can certify that the records have been destroyed.
	NOTE	<i>Per General Schedule 7 Item 3 this form should be retained for 30 years.</i>

RECORDS DESTRUCTION DOCUMENT (RM88)

NO.

PAGE OF PAGES

1. AGENCY NAME AND DIVISION/PROGRAM:

2. AGENCY CONTACT:

NAME:

PHONE #:

EMAIL:

3. NOTICE OF INTENTION: The schedule records listed in Item 5 are to be disposed of in the manner checked below (specify only one).

Delete Incinerate Shred as Classified Toss without Restriction

Other: Explain

4. SUBMITTED BY: I hereby certify that the records to be disposed of are correctly represented below, that any audit requirements or Offer to the State Historical Society Archives has been fully justified, and that further retention is not required for any litigation pending or imminent. Documentation attached from Historical Society.

SIGNATURE:

NAME AND TITLE:

DATE:

5. LIST OF RECORD SERIES

NOTE: Attach any inventories or Excel spreadsheets to this form to help validate records destroyed.

a. Retention Schedule Number	b. Item number listed on Retention Schedule	c. Record Series Title	d. Retention in months/years	e. Inclusive Dates	f. Volume in Cubic Feet	g. Disposition Action and Date completed after Authorization

6. DISPOSAL AUTHORIZATION: Disposal for the above listed records is authorized. Any deletions or modifications are indicated.

Custodian/Records Manager

Name: Date:

Signature:

7. DISPOSAL CERTIFICATE: The above listed records have been disposed of in the manner and on the date shown in column g.

Name and Title:

Signature:

