Section 6 Subject 6.1 **Policy 6.1.5**	Compliance General Compliance Policies **Records and Information Management and Retention**	04/15/96 - Originated 10/11/12 - Reviewed w/ changes 09/10/09 - Reviewed w/o changes 11/27/12 - Effective Compliance - Author

Records and Information Management and Retention

Policy

The University of Texas Medical Branch recognizes the need for orderly management and retrieval of all official records and a documented records retention and destruction schedule congruent with all state and federal laws and related regulations. All official records (paper, microfilm, electronic, or any other media) will be retained for the minimum periods stated in the institutional Records Retention Schedule as approved by the Texas State Library and Archives Commission and the Texas State Auditor's Office in compliance with Texas Government Code, Chapter 441. After a specified period of time, all UTMB employees must ensure that official records must be disposed of in a manner that is consistent with, and systematically carried out in accordance with, prescribed records and information management guidelines and procedures. All UTMB departments must designate a Department Records Coordinator to oversee regular record retention maintenance.

Duplicate files, duplicate copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official records or record copies. Duplicates or non-record convenience copies should be destroyed when they cease to be useful and should never be kept longer than the official record copy.

Violation of this policy may result in disciplinary action up to and including termination for employees.

Records Retention Schedule

The institutional Records Retention Schedules provide a list of official records for each UTMB department, and prescribe the periods of authorized retention. The schedules may be revised periodically to include a newly created record series, to change retention periods, or to delete a record no longer useful. Appropriate approval procedures must be followed and completed before any revisions would become effective. Newly created or revised Records Retention Schedules must be approved by the Records Management Department.

All records are to be kept for the minimum periods listed in the Records Retention Schedule. Notwithstanding such minimum retention periods,

Records Retention Schedules (cont'd)

all records must be maintained until all required audits are completed and should be kept beyond the listed retention periods where there is a probability of litigation either involving records or requiring their use.

Documents may be maintained for the prescribed minimum retention periods in **microform** if the microform reproduction is accomplished pursuant to a procedure that complies with *Texas Government Code* Section 441.188; 13 *Texas Administrative Code* Sections 6.21-6.35.

Official records kept only in **electronic** format must comply with the administrative rules of the Texas State Library (13 *Texas Administrative Code* Sections 6.91-6.99).

Vital records should be identified in the Retention Schedule and protected in accordance with *Texas Government Code* Section 441.183. State law defines a vital state record as any state record necessary to the resumption or continuation of state agency operations in an emergency or disaster; the recreation of the legal and financial status of the agency; or the protection and fulfillment of obligation to the people of the state.

Archival documents should be identified in the Retention Schedule and maintained in accordance with Texas Government Code Section 441.181. An archival state record is any state record that is retained permanently for lasting historical value and is used for research and reference by university offices and the general public. Archival or historical records are to be preserved in the archives of the institution.

Destruction of State Records

No state records may be destroyed without permission from the Texas State Library as outlined in *Texas Government Code* Section 441.187; 13 *Texas Administrative Code* Section 6.7. The Texas State Library has two established methods for obtaining legal authority to destroy records. Procedures differ for records listed on an approved Records Retention Schedule and any records not listed.

A state record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of

Destruction of State Records (cont'd)

the retention period for the record set in the approved institutional Records Retention Schedule.

If no action as described above has been taken, records may be destroyed in accordance with the approved retention periods shown in the Records Retention Schedule. Prior to disposal of official records, all state and institutional records and information management regulations and policies must be followed.

State records not listed on the approved Records Retention Schedule may be destroyed after receiving approval by officials at the Texas State Library. All such records not listed on a department's certified Records Retention Schedule must be processed through the Records Management program for assistance prior to disposition. Form RMD 102, *Request for Authority to Dispose of State Records*, must be completed and submitted to the Record Services Department of the Texas State Library to obtain approval for the destruction of public or official records. Unlisted records must not be destroyed until the State Library administrator approves and returns the form to the appropriate university officials.

References

Texas Government Code, Chapter 441, *Libraries and Archives*
Texas Government Code Chapter 552, *The Public Information Act*
UTMB Logistics Records Management User Guide
IHOP 2.13.2, *Release of Information Under the Texas Public Information Act*
IHOP 2.19.6, *Information Resources Security*