

Records Retention and Disposition at **SUNY Campuses**

Prepared by the SUNY Compliance Office and the Records Management Officer



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Contents

Applicable Laws, Regulations, and Policy

State Law.....	4
State Regulations	4
SUNY Policy & State Policy.....	4
SUNY Policy:	4
State Policy:.....	4
State Policy for Community Colleges:.....	4

Records Resources

SUNY Records Management Listserv:.....	5
SUNY Compliance Website pages devoted to Records Retention and Management:.....	5
Related SUNY Procedures	5
SUNY Guidance Documents:.....	5
Sample Campus Information:	6
SUNY Plattsburgh:	6
SUNY Brockport.....	6
SUNY College at Brockport created a Records Management Awareness Video Series.....	6
Outside of SUNY Resources:	6

Records Retention and Disposition at SUNY

SUNY Employees Have an Obligation to Manage Records	7
Records Retention and Disposition at SUNY.....	7
Disposing of Records.....	7
Retaining Records Longer than the Minimum Retention	8
1. Discovery:.....	8
2. FOIL/ Information Request:	8
3. Legal Hold:.....	8
4. Historic:	8
5. Operational Value and Need:.....	8
Why Records Management Is Critical to Compliance.....	8

What are the Risks to Retaining Information Longer than the Minimum Retention? 9

Compliance with Records Retention Schedules at the SUNY Campuses..... 10

Records Management Officer Role..... 10

 Records Management Officer at Each SUNY State-Operated Campus..... 10

 Designation of a Records Management Officer..... 11

 Activities of a Campus Records Management Officer 11

Damaged Records 13

Archival and Historical Records 13

Digitization of Records at SUNY 13

 Requirements for Digitization:..... 14

Email Retention at SUNY..... 16

Being a Records Custodian..... 17

 Convenience/Courtesy Copies 17

Records Definitions

What is a record:..... 18

 A “record” possess all of the following three elements: 18

 1. Documentary material 18

 2. Transmitted or stored by a campus, and 18

 3. Has legal or operational, or historical value 18

What is ESI?..... 18

What is Records Management?..... 19

What is a records custodian?..... 19

What is e-discovery?..... 19

Using the SUNY and State Disposition Schedules

Records Retention at SUNY State-operated Campuses..... 20

 1. SUNY Schedules 20

 2. New York State General Retention and Disposition Schedule..... 20

SUNY Policy and Schedules: 20

Basis for the minimum retention timeframes in the schedules: 20

 How the SUNY Policy Schedules are classified: 20

 When a record is not listed in the SUNY Schedule: 20

New York State Policy: 21

How the State Policy Schedules are classified: 21

When a record does is not listed on the SUNY Policy schedules or the State Policy: 21

Records Retention at SUNY Community Colleges..... 21

SUNY Research Foundation (RF) Records 22

 Where SUNY Records and RF Records Overlap 22

Appendices

Appendix A – SUNY Policy Records Classifications 23

Appendix B – State Policy Categories of Records 27

Appendix C - Sample Records Disposition Form for State-operated campuses..... 28

Appendix D – Chart to show disposal of records..... 31

Appendix E – Sample Box Label 35



Applicable Laws, Regulations, and Policy

State Law

[NYS Arts and Cultural Affairs Law Section 57.05](#)

- Text of law is available through the [New York State Archives website](#).
To find law on the website: Select **Managing Records**; Select **Laws and Regulations**; Select **State agency records**.

State Regulations

[Commissioner's Regulations 8 NYCRR Part 188](#)

- Text of Regulations are available on the [New York State Archives Website page](#).
- Also available via the [Department of State Division of Administrative Rules website](#)

To find the regulations on the website: Select Title 8 Education Department, Select Chapter II Rules of the Commissioner; Select Subchapter N Public Records and Department Publications; Select Part 188 State Government Archives and Records Management; this leads to WestlawNext site with the regulations [Part 188 State Government Archives and Records Management](#).

SUNY Policy & State Policy

SUNY Policy: [SUNY Records Retention Policy Doc. No. 6609](#)

- SUNY's Policy is applicable to SUNY State-operated campuses. The policy includes subject matter schedules in the appendices to the Policy. The SUNY Schedule dictates minimum retention requirements. Campuses wishing to establish retention schedules with shorter retention periods must seek approval of the State Archives through the SUNY Records Management Officer. The policy is available via the [SUNY University-wide Policies and Procedures website](#).

State Policy: [New York State General Retention and Disposition Schedule for New York State Government Records](#)

- State-operated campuses look to the SUNY Policy first. If no schedule item corresponds to the type of record, then campuses then look to the NYS General Retention and Disposition State schedule. The schedule provides authorizations for state agencies and SUNY's State-operated campuses to dispose of common administrative records with minimum retention requirements. The schedule is available through the [New York State Archives Website](#) as a [.PDF document](#), or in other formats.
- To find on the [NYS Archives website](#), Select **Managing Records**; select **Retention and Disposition Schedules**; Under the **State agency retention and disposition schedules**, select the [General Schedule](#) for common administrative, fiscal, and personnel records of all state agencies.

State Policy for Community Colleges:

Records maintained by the Community Colleges operating under the program of the State University of New York are governed by one of two schedules established by State Archives.

- [MI-1 schedule](#) (for all miscellaneous governments) is to be followed by Adirondack, Columbia-Greene, Corning, Fulton-Montgomery, Jamestown, North Country and Tompkins-Cortland Community Colleges and the Fashion Institute of Technology.

- [CO-2 schedule](#) (for county governments) should be followed by all other Community Colleges.

To find both the MI-1 and the CO-2 schedules on the [NYS Archives website](#), select **Managing Records**; select **Retention and Disposition Schedules**; Under the **Local government retention and disposition schedules**, you will find both the [MI-1 schedule](#) and the [CO-2 schedule](#).



SUNY Resources

SUNY Records Management Listserv:

- Contact the [Records Management Officer at SUNY System Administration](#) to become a member of the Records Management Officer listserv.

SUNY Compliance Website pages devoted to Records Retention and Management:

- [E-Discovery and SUNY E-Discovery Procedure](#) webpage
- [Records Retention and Management](#) webpage
- [Records Retention and Disposition Schedules](#) webpage
- [Records Management Officer Resources](#) webpage

Related SUNY Procedures

- SUNY Procedure, [SUNY Legal Proceeding Preparation \(E-Discovery\) Procedure, Document No. 6610](#).
- SUNY Procedure, [Information Security Guidelines, Part 1: Campus Programs & Preserving Confidentiality, Document No. 6608](#).

SUNY Guidance Documents:

[SUNY Email Retention Guidance](#)

Sample Campus Information:

SUNY Plattsburgh: [SUNY Plattsburgh Records Retention Webpage](#)

SUNY Brockport

SUNY College at Brockport created a Records Management Awareness Video Series

- [Installment 1](#)
- [Installment 2](#)
- [Installment 3](#)
- [Installment 4](#)

Outside of SUNY Resources:

[New York State Archives Website](#)

- [Publications and Guidance](#)
 - State Archives Publication, [Retention and Disposition of Records: How Long to Keep Records and How to Destroy Them](#), by Geof Huth Archives Technical Information Series #41, 2002.
 - [Digital Imaging Guidelines](#), 2014.
- [Managing Records](#)
- [State Archives Workshops](#): The New York State Archives offers archives and records management workshops and webinars that are free and open to the public unless otherwise noted. Their [Workshop Webpage](#) contains a listing of all of the upcoming trainings.

[NYALGO, New York Association of Local Government Records Officers](#)

NYALGRO is a non-profit organization formed to provide a network to all who are responsible for records upkeep and information for local governments.



Records Retention and Disposition at SUNY

SUNY Employees Have an Obligation to Manage Records

SUNY employees have an obligation to dispose of records that no longer serve a legal, operational, or historic value to SUNY and its campuses. Records that are kept past their retention period pose a risk to SUNY. When the records retention schedules are followed proactively, they help SUNY to avoid risks and preserve resources.

Records Retention and Disposition at SUNY

Retention and disposition of official records of the campuses of the State University of New York are governed by the NYS Arts and Cultural Affairs Law. In accordance with New York State law, SUNY has two policies that govern the record retention practices of official SUNY records:

1. [SUNY Records Retention and Disposition Policy 6609](#) – records schedules in appendices section to Policy
2. New York State Policy: [New York State General Retention and Disposition Schedule for New York State Government Records](#)

SUNY's official records at SUNY campuses and SUNY System Administration must be retained pursuant to applicable records retention schedules detailed in the two policies.

SUNY campuses should first look to the SUNY schedules to see if the record is covered into one of the subject-matter schedules. If the SUNY Schedule does not cover a particular record, SUNY campuses are to defer to the [General Retention and Disposition Schedule for New York State Government Records](#). As a general rule, the SUNY records schedules outline education records, and other records specific to higher education.

Both the SUNY schedule and the New York State schedule outline minimum retention periods that SUNY campus and System Administration records must be retained. After the minimum retention for a record is reached, the records should be disposed of unless they still serve a legal, operational, or historic value.

Disposing of Records

Information that no longer serves a legal, operational, or historic value to SUNY and its campuses should be disposed of in accordance with the [SUNY Record Retention Policy Doc. No. 6609 schedules](#) or the New York State Policy: [New York State General Retention and Disposition Schedule for New York State Government Records](#).

Once the given retention period for a particular record has passed, the records should be disposed of in a secure manner, giving consideration to the nature and contents of the records, and the confidentiality of the information contained therein. Campuses are required to maintain an inventory of the records that the campus disposed of for their own recordkeeping. The campuses Records Management Officer has responsibility to maintain this list.

Retaining Records Longer than the Minimum Retention

No records should be retained on SUNY campuses past their retention period unless they still serve a documented LEGAL, OPERATIONAL, or HISTORIC value to the institution based on one of the following justifications.

- 1. Discovery:** The records are the subject of a litigation discovery request.
- 2. FOIL/ Information Request:** The records are the subject of a current, ongoing FOIL or information request that has not yet been resolved or closed.
- 3. Legal Hold:** The records are the subject of a legal hold, because a SUNY Counsel member has determined, in accordance with the [SUNY Legal Proceeding Preparation \(E-Discovery\) Procedure Doc. No. 6610](#), that the records may have relevance in a future litigation.
- 4. Historic:** The records could be considered historic at some point in the future. The SUNY schedule accounts for this history, as many high-level administration records of the campus are permanent. However, there will be circumstances where records may not have originated from the administration, but may still be historically relevant to the SUNY institution.
- 5. Operational Value and Need:** The SUNY office has determined that the records serve a necessary operational value to the office, and that the operational value outweighs the risks that come with holding onto the records.
 - Operational value and need should be used sparingly to justify retaining records longer than the minimum retention, and should be restricted to circumstances where it truly is a need, and that need should be documented, given the risks that come along with having too many records and holding them for too long.

Deciding when to Retain Longer than the Minimum Retention

In one of these five circumstances, offices may believe it is necessary to retain records for longer than the retention listed on the schedule. If a campus or office does decide to retain records for longer than the schedule retention, they should consult with their Records Management Officer to discuss their reasons for retaining the records and document their reasoning.

Why Records Management Is Critical to Compliance

When the records retention schedules are followed proactively, they help SUNY to avoid risks and preserve resources. Consequences of inadequate Records Management include:

- **Data breaches:** Where information that should no longer have been in SUNY's possession is compromised. If the information that no longer serves a legal, operational, or historic value to the institution is retained past its retention, and it contains private data, it raises the probability for a potential privacy breach of the information – information the institution shouldn't have even had if the records policy retention period was adhered to.
- **Information Requests (such as FOIL requests, Audit inquiries and Discovery requests):** where the documents requested should not have been retained because they were past their retention period, but since they were in the institutions possession at the time of the request for

information, causes an administrative burden that would not have existed if records had been disposed of properly and in accordance with their retention. When records exceed their minimum retention on the schedule, they become just information and no longer records. However, if an information request is received by the institution for the information they retained, the information again becomes a relevant record, and the institution has an obligation to retail it and sort through it to comply with the information request.

- **Storage and IT costs:** Non-Compliance with records retention schedules causes an undue burden on the University to maintain electronic servers and physical storage space in order to house all of the information that the institution is no longer obligated to keep. Physical warehouse space and electronic server space costs money. When an institution is retaining information past its retention, whether on paper or by electronic means, they are wasting monetary resources by paying for storage and electronic server space they shouldn't have in the first place. In addition, the institution has to take adequate measures to protect the information it possesses from data breaches or natural consequences (fires, cloud, and mold, to name a few). It can cost a lot of money to protect information that an institution shouldn't even have in its possession if it has followed its schedule.

What are the Risks to Retaining Information Longer than the Minimum Retention?

The costs and risks associated with storing records long term go beyond simple storage costs and server costs when data is electronic. Retaining thousands of unnecessary records creates legal and administrative e-discovery costs and greatly increases regulatory burdens. While data storage costs can be clear and predictable (i.e., cheap cloud storage systems that allow vast amounts of email data), the costs associated with e-discovery can vary based on the amount of information that must be identified, organized, and reviewed. One thing regarding e-discovery is predictable: the more information that an institution retains, the more information it must process when it is subject to a litigation hold or demand.

SUNY campuses are even further at risk in this respect because, as a public institution in New York State where Freedom of Information Laws (FOIL) are broad, SUNY is legally required to review and produce documents and data, including email, at the public's request regardless of the purpose of the request or the nature of the document/data. This leaves use vulnerable to harassment and ill-intentioned requests for useless data that must nevertheless be processed. In addition, SUNY campuses are subject to reviews by any number of agencies charged with enforcing certain legal and compliance obligations. The scope and burdens of such reviews can be greatly increased when campuses keep more information than required.

The risks are clear: When a litigation hold, discovery request, or a public request for information occurs, the more documents/records/data we have to sort through, the more disruptive the request will be to the normal operation of a campus. In today's climate, many people simply retain any and all emails forever, but without knowledge of how retaining all those emails could negatively impact them and the organization. The [SUNY Records Retention and Disposition policy 6609](#), along with the [New York State schedule](#), clearly describe that most emails are not records, and should be deleted accordingly. Even the

United States Supreme Court has endorsed the idea that unnecessary email should not be retained, in the case of [Arthur Andersen LLP v. United States](#), 544 U.S. 696 (2005).

This is not a matter of purging damaging information or eluding regulators; it is simply a matter of placing reasonable limits on the resources we devote to information storage and processing. Remember, all that we are deleting is material without legal, operational, or historical value.

In addition, we must not forget about data breaches. Having more documents/data/records, especially in electronic format, creates more risk for breaches of the information contained in them. Further, the more information in question that could be breached, the higher the cost will be to conform to the New York State Breach Notification laws, which require notice to those whose data has been compromised. Data breaches are costly and unavoidable. The surest way to reduce the risk is to reduce the amount of breachable data.

Compliance with Records Retention Schedules at the SUNY Campuses

Campuses shall utilize appropriate means to ensure compliance with the applicable schedules and retention periods. Each campus has designated a local Record Management Officer (RMO) in accordance with [SUNY Records Retention and Disposition Policy 6609](#) to ensure compliance with the SUNY records retention schedules at their campuses. Campuses must notify the SUNY System-Wide Records Management Officer of the local campus RMO designee. RMO's are responsible for facilitating compliance with the Records Retention schedules and maintaining a campus inventory of records.

The [SUNY Compliance website](#) maintains an [RMO Resource webpage](#) with information, tools and guidance for all SUNY Campus RMO's. In addition, SUNY's System-wide Records Management Officer maintains a Records Management Officer listserv for the RMO's to ask questions and share best practices and resources.

Records Management Officer Role

The SUNY Policy requires that each state-operated campus appoint a Records Management Officer to report to the SUNY System-wide Records Management Officer. The System-wide Records Management Officer acts as a liaison between SUNY and State Archives.

Records Management Officer at Each SUNY State-Operated Campus

Each SUNY campus is required to designate a Records Management Officer in accordance with the SUNY Records Policy. The Records Management Officer role is established by the SUNY Policy 6609, Records Retention and Disposition, pursuant to NYS Arts and Cultural Affairs Law Section 57.05 and Commissioner's Regulations 8 NYCRR Part 188. The policy states the following:

"Each campus should designate a local records management officer and notify the SUNY RMO of such designation. It is the responsibility of the campus RMO to report annually, by September 1 of each year, to the SUNY RMO on disposition actions taken by such campus during the previous academic year and to maintain the campus inventory of records. Requests for approval of

retention schedules with shorter retention periods should be submitted by a campus through their local RMO to the SUNY RMO for transmittal to State Archives.”

Note that the SUNY Records Management Officer Role is separate and apart from the Records Access Officer/ FOIL Officer role that is required by [SUNY’s FOIL Procedure, Document No. 6601, Compliance with the Freedom of Information Law \(FOIL\)](#). The Records Access Officer is charged with facilitation of compliance with New York’s Freedom of Information (FOIL) law. In contrast, the Records Management Officer (RMO) is charged with facilitating a Records Management and Disposition program at their campus.

Designation of a Records Management Officer

When a campus appoints a Records Management Officer, they should do so with a written Designation that comes directly from the campus President. This formal Designation will afford clarity on who has Records Management Officer responsibilities as a formal and official part of their job at the campus.

The Records Management Officer Role Designation – Sample Language

The following is sample language for this formal Designation letter appointing a Records Management Officer for the campus:

Whereas, pursuant to 8 NYCRR §188.4, the State University of New York [campus name] is authorized and directed to appoint or designate a records management officer who is authorized to administer the University's records management program and act as the primary liaison to the State University of New York System Administration records management officer, who acts as the primary liaison to State Archives; and

Whereas, New York regulation, and specifically 8 NYCRR § 333.2 Responsibilities, authorizes the chief administrative officer of the campus, [insert name of campus President], the authority to assign staff of the [campus] powers, duties and responsibilities,

Whereas, Art. IV, title A, section 3, of the Policies of the Board of Trustees, authorizes the chief administrative officer of the campus, [insert name of campus President], the authority to assign staff of the [campus] powers, duties and responsibilities,

Now, I, [President Name], President and chief administrative officer of the State University of New York [campus name], hereby designate [name of Records Management Officer], to exercise on my behalf the function and authority of the Records Management Officer for the State University of New York [campus].

Activities of a Campus Records Management Officer

Campus Records Management Officers can do many things to facilitate good records management and adherence to the records schedules and retention periods. Here are some of the things that a Records Management Officer should do to get started in their role once officially designated as a Records Management Officer:

1. Join the SUNY System Records Management Officer Listserv. For instructions on how to do this, refer to the SUNY Compliance website homepage, suny.edu/compliance.
2. Read the SUNY Policy, with specific attention paid to the Introduction section of the Policy.
3. Meet with each office on campus to find out their records process:
 - What records do they have?
 - Are they the custodian for all the records they possess?
 - Where do the records fall on the SUNY Policy or State schedule and what is the minimum retention?
 - Where the records are housed or stored
 - What medium are the records on: paper, digital, other?
 - How does the office manage their records day to day?
 - Do they have an effective plan for e-mail management?
4. Establish a Records Management Liaison/designee/coordinator in each office – someone who is charged with ensuring the Records Management of that particular office.
 - This liaison should be encouraged to contact you regarding records questions they encounter.
 - Assign this liaison to create an inventory of all the records they have in their area, where they are kept, and the retention schedule that governs each record.
5. Attend available trainings:
 - SUNY System’s Records Management Officer coordinates an annual one-day Records Management training each fall.
 - New York Archives hosts training workshops on Records Management. The full list of trainings is available on the [NY State Archives](http://www.archives.nysed.gov/a/workshops/index.shtml) website [URL: <http://www.archives.nysed.gov/a/workshops/index.shtml>].
6. Communicate the importance of following the records retention schedules through periodic training, office outreach, informational brochures for the campus, the SUNY Records Retention and Disposition Guidance document, pages on the SUNY Compliance website devoted to records management, a campus website with records information, and other means.
7. Ensure that the leaders on your campus know and understand the importance of adhering to the SUNY Schedule.
8. Get to know your campus IT Departments and IT Infrastructure. Being an RMO requires coordination with your Information Technology departments so that you are aware of how data is saved, stored, archived, and backed up.
9. Become the Counsel’s liaison for E-discovery on your campus, in accordance with the SUNY [Legal Proceeding Preparation \(E-Discovery\) Procedure, Document Number 6610](#).
 - The Records Management Officer must discuss e-discovery protocol with your campus counsel so that you are prepared when information is requested or when a litigation hold is issued.

Damaged Records

Records that are damaged by water are not completely lost. Vendors have the ability to freeze the damaged records to retard any mold growth and then review your files. The State Archives maintains a list of disaster recovery vendors that includes vendors who will pick up your records, freeze them, and then freeze dry/restore them, see the [New York State Archives page on Disaster Assistance](#). Some of the vendors listed on the disaster recovery (and other) vendors list are already on state contract. There is a link to OGS's state contract for Emergency Standby Services and the Hazardous Incident Response Equipment (HIRE) at the top of the [disaster recovery list](#).

Before you destroy any records, you must obtain authorization from the State Archives to do so. This process is facilitated through the SUNY System-wide Records Management Officer to State Archives. Campuses wishing to make these requests should contact the SUNY System-wide Records Management Officer.

For general information about requesting early destruction of records with New York State and what it entails, refer to the New York State Archives website on [early destruction of records](#).

Archival and Historical Records

In order to preserve records of historical and archival value, certain categories of records have a permanent retention on the schedule. Among these are Presidents' annual reports, minutes of campus councils, governance organization minutes or handbooks, inaugural or commencement records and important documents generated by or for the campuses such as strategic plans, accreditation reports, etc. Campuses should adhere carefully to the schedules for such records, retain them in a safe place and ensure their preservation when they are no longer needed on a daily basis.

Digitization of Records at SUNY

At SUNY, the [SUNY Records Retention Policy Doc. No. 6609](#) affords SUNY campuses the proper authority to digitize all records, so long as the electronic record is an accurate representation of the original, the digital record is available in a usable format, the digital document cannot be altered once converted, and the records process for digitization can be authenticated by employees, including the procedures used during the digital process to prevent tampering or degradation of the records. The SUNY Policy outlines these four requirements. If the digital image meets the SUNY policy criteria, then the paper copy should be disposed of after digitization.

There are a few exceptions to the authority to digitize, and these exceptions are specifically noted directly on the SUNY records schedules in a very clear way (the schedules are found in the appendices to the [SUNY Records Policy 6609](#)). If the SUNY Policy schedule item does not have a specific notation that paper records must be retained, SUNY campuses can digitize in accordance with the SUNY Policy and destroy the paper files. Since the SUNY policy has been approved by the Office of the State Comptroller and State Archives, we do not require pre-approval to digitize records (all other state agencies must get pre-approval from State Archives before digitization). When the Records Policy was approved in 2010, SUNY

was given the authority to bypass the process of having to request destruction of records that were digitized.

Requirements for Digitization in the SUNY Policy:

The [SUNY Records Retention Policy Doc. No. 6609's Introduction section](#) (available in the appendices) states the following regarding Electronic Conversion:

“Periodically, campuses or the System Administration may decide to replace official records in paper with electronic or digital copies. Most records in the SUNY Schedule have been pre-authorized for replacement in the SUNY Records Retention Schedule such that paper records which have been scanned or otherwise converted may be destroyed prior to the end of their retention period. If not pre-authorized, replacement and destruction of paper records can occur only upon approval by State Archives. Such approval requests shall be made by the SUNY Records Management Officer upon request of the campus concerned. Campuses intending to replace paper records with electronic or imaged copies are required to ensure that:

- (1) the images will accurately and completely reproduce all the information in the records being imaged;*
- (2) the imaged records will not be rendered unusable due to changing or proprietary technology before their retention and preservation requirements are met;*
- (3) the imaging system will not permit additions, deletions, or changes to the images without leaving a record of such additions, deletions, or changes; and*
- (4) designees of the State University of New York will be able to authenticate the imaged records by competent testimony or affidavit which shall include the manner or method by which tampering or degradation of the reproduction is prevented.”*

Campuses that are planning to digitize need to have a plan in place to ensure that the documents are kept electronically in a file format that will remain accessible overtime (think VHS tapes or tape players in today's age – it is hard to get the content off of a VHS tape or a tape, without the VCR or the 1980's boom box and stereo). Whatever format the campus uses, they need to be sure that the format will be good long-term, or have a plan in place for if the file format ever becomes obsolete.

Campuses should work with their IT departments when considering digitization to ensure proper file formats, and also that the campus has adequate electronic server storage space to handle the electronic data.

As of the creation of this publication, New York State Archives has said that the following formats are a best practice for digitization of records:

- PDF/A ("a" referring to the archival format) is the preferred format for textual documents or hybrid documents with text and images.
- Tagged Image File Format (TIFF), is preferred for photographic records.

Disposing of Paper Records after Proper Digitization

If a SUNY campus decides to digitize records, and they have digitized them in accordance with [SUNY Records Retention Policy](#), they should not retain the original records. Instead, after proper digitization, the paper records should be disposed of in a safe manner.

SUNY will not be penalized for producing records in electronic format. Not only does SUNY enjoy the proper authority to digitize records per the SUNY Policy, whose authority is vested in New York law, but also because Federal and State laws recognize that an electronic record can be as sufficient as the original paper copy.

When you decide to digitize your records, but retain the original paper copies, you are increasing your burden administratively because you have doubled the amount of records you need to sort through and hold if you receive an information request or litigation hold, and you now have the burden to maintain two sets of records. Additionally, two sets of records leads to confusion about which set can be relied on for the latest information. Two sets of records can also create more risk for a breach of the information, since it is stored in two places, and duplicate files increase physical storage and server storage costs.

A valid question to ask is this: what is the point of electronically scanning your records if you are going to retain the paper copies? The goal of electronic conversion is to simply an institution's records management process and to make your campus more efficient at locating and maintaining records; it is not to double the amount of records you must maintain, review, and pay storage costs for.

Electronic Records and Court

Both State and Federal law allow for SUNY to produce digital records rather than actual paper records in the context of litigation and other court and adjudicatory proceedings in lieu of original paper records.

On the Federal side, the Federal Rules of Evidence 1001 to 1003, which have also been adopted by many states, deal with the need to produce an original document in legal proceedings except when otherwise allowed. Since SUNY is allowed to digitize per the SUNY Policy, an electronic record would be sufficient in Federal court so long as the duplicate is made by an electronic process "that accurately reproduces the original." This Federal standard has been incorporated into the SUNY Records Policy on what is acceptable digitization, so SUNY's digital records that were digitized in accordance with the SUNY Policy will be sufficient. The Federal Rule of Evidence does allow the other party to question the genuineness of the duplicate electronic record, but the SUNY Policy's digitization standards also cover this by requiring that an employee is able to authenticate the digitization process, which should be adequate rebuttal to allow the digital record to be admissible in Court.

On the State side, in the New York State Civil Practice Laws and Rules, Article 45 – Evidence, Rule 4539 allows electronic records in lieu of paper records in two ways: (1) when records are created "in the regular course of business," such that they were always in digital format and (2) if the "reproduction" of the original record was "created by any process" that did not allow for the record to be altered when it was converted to electronic format, it will be admissible as if it were the original record. The full text of the rule states the following:

NY CPLR Rule 4539. Reproductions of original. (a) *If any business, institution, or member of a profession or calling, in the regular course of business or activity has made, kept or recorded any writing, entry, print or representation and in the regular course of business has recorded, copied,*

or reproduced it by any process, including reproduction, which accurately reproduces or forms a durable medium for reproducing the original, such reproduction, when satisfactorily identified, is as admissible in evidence as the original, whether the original is in existence or not, and an enlargement or facsimile of such reproduction is admissible in evidence if the original reproduction is in existence and available for inspection under direction of the court. The introduction of a reproduction does not preclude admission of the original. (b) A reproduction created by any process which stores an image of any writing, entry, print or representation and which does not permit additions, deletions, or changes without leaving a record of such additions, deletions, or changes, when authenticated by competent testimony or affidavit which shall include the manner or method by which tampering or degradation of the reproduction is prevented, shall be as admissible in evidence as the original.

The standards for admissibility from both the Federal and State law are standards which were incorporated into the rules for digitization outlined in the SUNY Policy. Therefore, so long as the SUNY Policy is adhered to when records are digitized, the electronic record will be admissible in Courts and adjudicatory proceedings as if it were the original record.

Email Retention at SUNY

Most emails are NOT records. Most emails are simply ESI (Electronically Stored Information) without a lasting legal, operational, or historic value. Only emails that serve a legal, operational, or historical value are records, and the rest should be deleted accordingly. There is no set retention period for email because it is simply a medium upon which information is stored. Retention periods are best tied to the information in a record, not the medium on which it is stored. This is why we do not have retention policies for paper, videotapes, Word, Excel, .PDF, or any other materials that we use to store information.

The [SUNY Records Retention Policy Doc. No. 6609](#) addresses email in the [Introduction](#) section (available in the appendices to the Policy). The introduction says the following with regard to email:

“Generally, records transmitted through email systems have the same retention periods as records in other formats that are related to the same function or activity. Email records should be scheduled for disposition in conjunction with any other records related to that function or activity. Campus and University officials may delete, purge, or destroy email records if the records have been retained for the minimum retention period established in the RR&D Schedule and are not being retained for a legal action or otherwise subject to a litigation hold or for an audit. Transitory messages may be destroyed when no longer needed. For further guidance on the disposition of e-mail messages and attachments, see item 90369 in the State Archives’ [General Retention and Disposition Schedule for New York State Government Records](#) (available through a [page on the State Archives website](#) where the schedule is published).”

SUNY’s email retention approach is to classify emails that are records by determining the subject matter and purpose of the email. The content of the email will determine what, if any, classification of records the email falls under, and retention of the email will then be in accordance with the SUNY Records Schedules based on the type of record it is. Emails that fall into a specific categories of records on the two records schedules that apply to SUNY should be kept in accordance with the corresponding schedule item. The schedules applicable to SUNY are available via the SUNY Policy Doc. No. 6609 Records Retention and Disposition (with schedule appendices that cover activities related to SUNY-specific business), and the State Archives’ [General Retention and Disposition Schedule for New York State Government Records](#)

schedule that covers records common to all state agencies – such as financial and employment records. Emails that do not fall into a category of records identified on either the SUNY schedule or the State schedule are likely not records, and should be deleted permanently unless they serve an important operational value to the employee or are subject to a legal hold.

An example: If the email represents part of an individual student’s conduct record—a charge notice for instance—it should be kept in accordance with the SUNY schedule item on student conduct records and retention of such records. If an email is an invitation to a meeting, it probably has no value after it has been read (or maybe after the meeting has taken place) and should be deleted.

Emails that are not records, and are just ESI with no legal, operational or historic value, convert to a record when the following “trigger” scenarios occur:

- Relevant to a legal action that is reasonable anticipated as per counsel’s instructions
- Subject to an audit by University Audit or an oversight agency
- Subject to a public information (FOIL/FOIA) request

Only ESI that exists at moment of a "trigger" can convert to a record. But the events above will serve to convert existing email that previously served no legal, operational, or historic value into a record, which triggers our legal obligation to preserve. This is why we should delete emails that do not constitute a “record.” See the [SUNY Email Retention Guidance](#) for more detailed information on email retention.

Being a Records Custodian

A records “custodian” is any officer, employee, or agent of the University who possesses, controls, or maintains any record, information, or data of the University. The records custodian is the office or person who has been deemed as the official keeper for that particular type of record. Only an office or person who is the official custodian of a record has an obligation, legal or otherwise, to retain the information. It follows that if an office, or an employee, is not considered the official custodian of a particular category of records, they have no obligation to retain the information.

Any office or person that is in possession of records for which they are not the official custodian, they should dispose of those records that they are not the custodian for once the record has no operational value to the office. Maintaining records that are not the responsibility of the office only causes redundant sets of records and confusion about which sets of records are accurate and complete.

Convenience/Courtesy Copies

There is even a term for the information that an office possesses that they are not the true custodian of. “Convenience” or “courtesy” copies is a term used to describe the records that are in the possession of an office/employee that is not the official custodian of those records, such that the copies are not “records” when in the possession of the office that is not the custodian. They are mere duplicates (“courtesy” or “convenience”) copies.

As a best practice, every few years, SUNY campuses should look at the records schedules and indicate next to each item what office is the official custodian of the record. This list should be distributed to each campus office so they are aware of what records they are the official custodian of, and therefore responsible to maintain, and what records they have that are duplicate copies of a record that belongs to another office.

Records Definitions

What is a record:

The [SUNY Records Retention Policy Doc. No. 6609](#) defines a record as follows:

“Records - all books, papers, microforms, computer-readable tapes, discs or other media, maps, photographs, film, video and sound recordings, or other documentary materials, regardless of physical form or characteristics, made or received by State University of New York or its campuses in pursuance of law or in connection with the transaction of University business and retained by the University as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities. Library or museum materials made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of blank forms shall not be deemed to constitute records.”

A “record” possess all of the following three elements:

1. **Documentary material**
 - In any physical form, including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes
2. **Transmitted or stored by a campus, and**
 - Kept, held, filed, produced or reproduced by, with or for an agency or the state legislature
3. **Has legal or operational, or historical value**

What is ESI?

ESI is a term that refers to Electronically Stored Information. ESI means any information, record, document, file or data that is stored electronically. ESI may include documents, audio recordings, videotape, e-mail, instant messages, text messages, word processing documents, spreadsheets, databases, calendars, telephone logs, contact information, Internet usage files, metadata, and all other electronic information created, received, and/or maintained on computer systems. ESI may reside on any University program, system, device, or server of any kind or in an employee’s personal devices and accounts if such devices and accounts are used for conducting University business.

ESI is electronic documentation without a lasting legal, operational, or historic value. In essence, ESI is electronic information that is not a record, because it does not serve a legal, operational, or historical value are records. ESI should not be retained by SUNY campuses, because there is no obligation to keep information that serves no value or purpose to the campus.

What is Records Management?

The process of identifying, classifying, using, securing, retaining/storing, prioritizing, archiving, preserving, retrieving, tracking, and disposing of “records”

- Disposing of records that no longer serve a need (legal/ operational/ historic) for the institution
- Disposing of documents and information not considered a “record”

What is a records custodian?

A records “custodian” is any officer, employee, or agent of the University who possesses, controls, or maintains any record, information, or data of the University. The records custodian is the office or person who has been deemed as the official keeper for that particular type of record.

What is e-discovery?

“E-Discovery” is a short hand term for the process of preserving and exchanging ESI in the context of modern litigation or other legal processes. The “E” in E-discovery stands for “electronic.” During the discovery process for electronic records, data is identified as potentially relevant by attorneys and placed on a legal hold for purposes of litigation, information requests, employee disputes, audits or investigations, FOIL requests under New York law, and any other data-gathering processes. Evidence is then extracted and analyzed using digital forensic procedures, and is reviewed for relevancy by programs and/or people.



Using the SUNY and State Disposition Schedules

Records Retention at SUNY State-operated Campuses

SUNY State-Operated Campuses Use the SUNY Retention Schedules and the NYS General Retention schedule for the minimum retention period for their records, but in a particular order.

1. SUNY Schedules

SUNY campuses should look to the [SUNY Records Retention and Disposition Policy 6609](#) schedules first. The schedules are listed in the appendices to the SUNY Records Policy, and are organized by subject matter.

2. New York State General Retention and Disposition Schedule

If the SUNY schedules do not have an item that corresponds to a record, the campus should then look to the [General Retention and Disposition Schedule for New York State Government Records](#).

SUNY Policy and Schedules:

SUNY's records retention policy [SUNY Record Retention Policy Doc. No. 6609](#) and records retention schedules, available via the [SUNY Policy's appendices section](#), codifies the minimum retention periods that SUNY State-operated campuses must follow when retaining their records. The records schedules are classified by subject, and detail the types of records SUNY has, and the minimum length of time that SUNY must retain those records for legal, operational and historic reasons. The SUNY schedules mainly cover records related to SUNY-specific and academic activities.

Basis for the minimum retention timeframes in the schedules:

Many of the retention periods listed in the schedules are based upon legal statute of limitations, or provisions in various laws that indicate the length of time specific higher education records should be retained.

How the SUNY Policy Schedules are classified:

SUNY's records retention approach is to classify records by determining the subject matter and purpose of the record. The content of the record will determine what, if any, classification of records it falls under, and retention of that document will then be in accordance with the SUNY Records Schedules based on the type of record it is. Records that fall into a specific subject matter category should be kept in accordance with the corresponding schedule item.

See [Appendix A](#) for a complete listing of the categories and subcategories listed in the SUNY Schedule.

When a record is not listed in the SUNY Schedule:

When the SUNY schedules do not cover the type of record held by SUNY State-operated campuses, they should then look to the State Policy that applies to State-operated campuses, the

[New York State General Retention and Disposition Schedule for New York State Government Records.](#)

New York State Policy:

The [New York State General Retention and Disposition Schedule for New York State Government Records](#) schedule covers records common to all state agencies – such as financial and employment records, and identifies the minimum retention period for these types of records. The schedule provides authorizations for state agencies and SUNY’s State-operated campuses to dispose of common administrative records with minimum retention requirements.

How the State Policy Schedules are classified:

The New York State policy classifies records by determining the subject matter and purpose of the record. The content of the record will determine what, if any, classification of records it falls under, and retention of that document will then be in accordance with the State Policy based on the type of record it is. Records that fall into a specific subject matter category should be kept in accordance with the corresponding schedule item.

See [Appendix B](#) for a complete listing of the categories and subcategories listed in the State Schedule.

When a record does is not listed on the SUNY Policy schedules or the State Policy:

Information that does not fall into a category of records identified on either the SUNY schedule or the State schedule are likely not records, and should be deleted permanently unless they serve an important operational value to the employee or are subject to a legal hold. If they are records that you believe should be on a schedule, you should contact your campus Records Management Officer to alert them to the fact that the schedule does not cover a type of record. They will work with the SUNY System Records Management Officer to work to get the record on the schedule permanently.

Records Retention at SUNY Community Colleges

Records maintained by the Community Colleges operating under the program of the State University of New York are governed by one of two schedules established by State Archives.

- The [MI-1 schedule](#) (for all miscellaneous governments) is to be followed by Adirondack, Columbia-Greene, Corning, Fulton-Montgomery, Jamestown, North Country and Tompkins-Cortland Community Colleges and the Fashion Institute of Technology.
- The [CO-2 schedule](#) (for county governments) should be followed by all other Community Colleges

The SUNY community colleges do not use the [SUNY Record Retention Policy Doc. No. 6609](#) to retain their records. The SUNY Policy only applies to State-operated campuses.

SUNY Research Foundation (RF) Records

Records created and maintained by the Research Foundation for SUNY should be retained in accordance with the [RF's Records Management Policy](#), available through the [SUNY RF Policy Portal](#). The RF Records Management Policy includes three subject-matter schedules referenced within the policy, specifically [Account Expenditure Records](#), [Person-related Records](#), and [Project Administration Records](#). The Policy addresses the fact that some research records may not be RF records, but records of the SUNY campus.

Where SUNY Records and RF Records Overlap

With respect to “Research-Related Records that are not RF Records” the policy states that “Research-related Records in the custody, possession, or control of a SUNY campus are subject to SUNY policy and procedure, including but not limited to the State University of New York Records Retention Policy and Schedule.” Additionally, the policy allows for “RF operations managers” to override the [RF Records Management Policy](#) and use the SUNY Policy exclusively by “elect[ing] to adopt” the SUNY records policy and schedules “to govern the management of research-related Records at their location, in conformance with” campuses local policy-making procedures.



Appendix A – SUNY Policy Records Classifications

In the [SUNY Records Retention Policy Doc. No. 6609](#) policy, the schedules are classified by the following subjects, with corresponding sub-categories:

Introduction	
Table of Contents	
Academic Affairs and Instruction	<ul style="list-style-type: none"> • Academic Affairs <ul style="list-style-type: none"> ○ Accreditation records ○ Curriculum development records ○ Academic program proposals ○ Curriculum/program registration records ○ Master plan and related documents ○ Course information records ○ Faculty and faculty-student research records ○ Records of Institutional Review Boards • Instruction <ul style="list-style-type: none"> ○ Course listing ○ Instructor's course syllabus or lesson plan ○ Instructor's grade records, test scores, and marking sheets ○ List of students majoring in a field of study ○ Class schedule ○ Completed examination test papers and answer sheets ○ Course or laboratory attendance records ○ Evaluations of course instructor ○ Records relating to tax-free use of alcohol ○ Radiation use log
Alumni and Development	<ul style="list-style-type: none"> • Alumni <ul style="list-style-type: none"> ○ Alumni Biographical Data • Development <ul style="list-style-type: none"> ○ Donor (and prospective donor) information records ○ Record of gifts and bequests to a college or the University ○ Alumni association or foundation file
Athletics	<ul style="list-style-type: none"> • Player recruitment/scouting file • Athletic scholarship file • Athletic program records • Records of gender equity in athletics • Substance or alcohol abuse testing records • Athletic training records • Athletic health information report
Camps	<ul style="list-style-type: none"> • Participation, attendance, or enrollment records • Parental consent records • Field trip records • Bus or other vehicle use file • Applications for individual acceptance to camp (or participation in specific camp programs and activities) • Facility information data record

RECORDS RETENTION AND DISPOSITION AT SUNY

Counsel	<ul style="list-style-type: none"> • General Files • Claims Files • Legislation Files • System Administration/Campus/Community College Files
Student Counseling and Career Services	<ul style="list-style-type: none"> • Student counseling records • List of student appointments • Statistical compilation or reports of students served • Printed resource materials • Career placement records
Executive Records	<ul style="list-style-type: none"> • Chancellor's or President's office files • Executive, manager, or administrator's office files • Inaugural & Anniversary Records
Financial Aid	<ul style="list-style-type: none"> • State Student financial aid program records • State financial aid reports • Student bankruptcy records • Federal Student Financial Aid Financial Aid Documents
Health Information	<ul style="list-style-type: none"> • Health Center Student Medical Records • Patient Medical Record • Tracings, recordings which are not contained in the patient medical record • Mammogram • Testing Tools • Clinical and Anatomical Pathology, Transplant • Correspondence from other providers not merged into medical record • Patient transfer records and logs • Indexes • Logs of Patient Treatment and Admissions • Work Schedules and On-Call Schedules/Logs • Birth Registry • Cytogenetics • Reproductive Tissue/Artificial Insemination/Implantation • Transfusion and Blood Product Records • Requisitions for Diagnostic tests • ER Diversion Records • Pharmacy Records of Controlled Substance Inventory, Disposal, Orders and Prescriptions • HIPAA-Accounting of Disclosures Log • Release or Disposal of Human Remains • Environment of Care — environment and equipment • Medical Device Reporting • Financial Statements and Records • Medical Staff Credentialing • Medical Staff Bylaws/Governing Body Records • Hospital Policies and Procedures • Hospital and Medical Staff Committee Minutes • Patient Complaints and Grievances • Incident Reports

RECORDS RETENTION AND DISPOSITION AT SUNY

	<ul style="list-style-type: none"> • Infection Control • Quality Assurance Records/Peer Review/Quality Improvement/Patient Safety Evaluation <ul style="list-style-type: none"> ○ System/Patient Safety Work Product Records ○ Approvals and registrations relating to radiological equipment and materials ○ Radiation-exposure records for an individual ○ Records of occupational doses for an individual using radiation-producing equipment or radiological materials ○ Radiation equipment testing and inspection records ○ Records of disposal, theft, loss, or excessive release of radiation ○ Radiation program safety records ○ Reports to Regulatory/Accrediting Agencies/Entities
Student and Staff Housing	<ul style="list-style-type: none"> • Residency occupancy records • Damage Records • Off-campus rental records
Museums and Art Galleries	<ul style="list-style-type: none"> • Campus exhibit file • Campus collections records • Campus arts program records
Other Records	Other Records – For records not listed on the SUNY Schedules, we defer to the General Retention and Disposition Schedule for New York State Government Records. This schedule covers more of the non-academic business records that are applicable to all State agencies.
Public Safety and Security	<ul style="list-style-type: none"> • Public Safety: General • Accreditation records for law enforcement, fire prevention, or emergency medical services unit (if applicable) • Standard Operating Procedures • Tape recording of Communications • Campus safety records • Incident data summary record • Law enforcement reports, studies, or data queries • Arrest Records and Folders • Incident and investigation records • Law Enforcement: Firearms <ul style="list-style-type: none"> ○ Campus firearm purchase record ○ Individual firearm purchase record ○ Records of issuance of firearms or other weapons to law enforcement personnel ○ Repair and maintenance records for firearms or other weapons used by law enforcement personnel ○ Record of stolen or missing firearms • Law Enforcement: Motor Vehicles <ul style="list-style-type: none"> ○ Traffic violation records ○ Parking violation records ○ Vehicle accident case record ○ Vehicle history files • Law Enforcement: Miscellaneous

RECORDS RETENTION AND DISPOSITION AT SUNY

	<ul style="list-style-type: none"> ○ Warrant execution and subpoena or summons service records by external law enforcement agency
Student Accounts	<ul style="list-style-type: none"> ● Student Accounts Folders and Correspondence (student-specific records) ● General Administrative Records (not specific to any student) ● Credit Card Receipts and Records ● Cumulative Payment Listings & Cumulative Transaction Listings
Student Records	<ul style="list-style-type: none"> ● Student Academic Records ● Admissions Data for Applicants Who Enroll ● Admissions Data for Applicants Not Enrolling (Whether Accepted or Rejected) ● General Records Related to Admissions and the Admissions Process ● Non-credit and Continuing Education Records ● Student Information System ● Records of Compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and Related Legislation ● Student Advising Records ● Proof of Residence Records ● College-related Reports, Studies, or Data Queries ● Scholarship Records ● Records of Gifts and Prizes Awarded Students ● Student Degree and Grade Audit Records ● Student Disciplinary Records ● Student Complaint Records ● Student complaints filed under the provisions of the Americans with Disabilities Act (ADA), Rehabilitation Act of 1973 ● Recruitment Records ● Records relating to individual prospective students who do not apply for admission ● Parental consent record ● Nursing education program ● Institutional information & reports ● Commencement records ● Student activity or organization records ● Records of international students who enroll ● Records of international students who do not enroll ● Disabled student file ● Disabled student emergency evacuation plan ● Staff development materials for disabled student ● International Program/Overseas Academic Program Records
University Audit	<ul style="list-style-type: none"> ● Technical Assistance ● Internal Audits ● Federal Audits ● Office of the State Comptroller Audits ● External Non-Governmental Audits ● Internal Audit Files – General
Index	

Appendix B – State Policy Categories of Records

In the State Policy, the [New York State General Retention and Disposition Schedule for New York State Government Records](#), the schedules are classified by the following subjects:

- General Administration
- Affirmative Action, Reasonable Accommodation, and Human Rights
- Budget Preparation
- Employee Relations
- Equipment, Supplies, and Motor Vehicle Management
- Facilities Management
- Fiscal Operations
 - Fiscal Administration
 - Purchasing/Claims and Payments
 - Revenue and Collections
 - Accounting Reports (New York State Accounting System)
 - Bank Transactions
- Forms Management
- Health, Safety, and Security
- Information Technology
 - General Administration
 - Systems and Application Development
 - Computer Operations and Technical Support
 - Data Administration
 - IT Support
 - Network/Data Communication Services
- Internal Controls
- Library Operations
- Mail and Messenger Services
- Minority and Women-Owned Business Development
- Payroll
 - Personnel
 - Personnel Administration
 - Civil Service Administration
 - Benefits and Health Insurance Administration
- Public Information
- Publication and Reproduction Services
- Records Management
- Telecommunications Management
- Training

Appendix C - Sample Records Disposition Form for State-operated campuses

Date Range of Records (approx.): _____ Record Destroy By Date: _____

Retention Period for Records per SUNY or State Schedule: _____

Today's Date: _____

Office Name: _____

Office Unit: _____

What part of the University does the Office Fall Under? Ex. Provost, Dean, Business

Employee Contact Name & Title: _____

Volume of Records (cubic feet): _____

Category of Records:

Check the category that the records fit within from either the SUNY Records Schedules or the New York state General Retention Schedule

SUNY Schedules	State Schedules
<input type="checkbox"/> Academic Affairs and Instruction	<input type="checkbox"/> General Administration
<input type="checkbox"/> Alumni and Development	<input type="checkbox"/> Affirmative Action, Reasonable Accommodation, and Human Rights
<input type="checkbox"/> Athletics	<input type="checkbox"/> Budget Preparation
<input type="checkbox"/> Camps	<input type="checkbox"/> Employee Relations
<input type="checkbox"/> Counsel	<input type="checkbox"/> Equipment, Supplies, and Motor Vehicle Management
<input type="checkbox"/> Student Counseling and Career Services	<input type="checkbox"/> Facilities Management
<input type="checkbox"/> Executive Records	<input type="checkbox"/> Fiscal Operations
<input type="checkbox"/> Financial Aid	<input type="checkbox"/> Forms Management
<input type="checkbox"/> Health Information	<input type="checkbox"/> Health, Safety, and Security
<input type="checkbox"/> Student and Staff Housing	<input type="checkbox"/> Information Technology
<input type="checkbox"/> Museums and Art Galleries	<input type="checkbox"/> Internal Controls
<input type="checkbox"/> Public Safety and Security	<input type="checkbox"/> Library Operations
<input type="checkbox"/> Student Accounts	<input type="checkbox"/> Mail and Messenger Services
<input type="checkbox"/> Student Records	<input type="checkbox"/> Minority and Women-Owned Business Development
<input type="checkbox"/> University Audit	<input type="checkbox"/> Payroll
<input type="checkbox"/> Other Records	<input type="checkbox"/> Public Information
	<input type="checkbox"/> Publication and Reproduction Services
	<input type="checkbox"/> Records Management
	<input type="checkbox"/> Telecommunications Management
	<input type="checkbox"/> Training

Please select any format types that apply to your records:

Paper	Electronic	Microform	Microfilm
Photographs	Motion Picture	Audio	CD-Roms
Video-recordings	Other: (Describe)		

Current Location of the Records: _____

Brief Description of the Records:

Please Answer the Following Questions to the Best of your Ability/Knowledge:

QUESTION	ANSWER	
	NO	YES
1. Is your office the Official custodian of these records?	You should not be storing these records if you are not the custodian of the records.	
2. Do the records contain Personally identifiable information:		Describe what information: How many individuals? Students? Staff?
3. Do the records fall within the SUNY schedule?	If no, move to question 3	Yes
4. Do the records fall within the State schedule?	If no to 3 and 4, move on to question 9.	Yes
5. What category and item # are they on the schedule?	Item #: Category:	
6. What is the retention timeframe listed on the SUNY or State Schedule?		
7. Is the retention permanent?		Be sure to identify that the records SHOULD not be destroyed.
8. Do these records exist in another format? (Electronic?)		You should not be keeping duplicate records.

If the records are on the SUNY or State schedule, STOP HERE

RECORDS RETENTION AND DISPOSITION AT SUNY

9. Do the records document principal functions, decisions, activities, policies, and procedures of the office?	Evaluate whether or not the information serves a legal, operational, or historic value such that you should retain them.	
10. Do the records contain significant information about people, places, or events within the office's responsibility?	Evaluate whether or not the information serves a legal, operational, or historic value such that you should retain them.	
QUESTION	EXPLAIN	
How are the records organized?		
Do legal access restrictions exist?		
Are the records legible or, if electronic, are the records accessible?		
What format are the records in? PDF, word, other?		
Are the records physically damaged, moldy, or infested with vermin?		
Are the records or a portion of them ready for immediate transfer?		
Does any weeding need to occur? (Do some of these records not need to be retained but are mixed with records that must be kept?)		
Are the records archival?		

Appendix D – Chart to show disposal of records

Use the following chart to determine if you have a legal obligation to retain records, and for how long.

Are you the custodian of the records?

A records “custodian” is any officer, employee, or agent of the University who possesses, controls, or maintains any record, information, or data of the University. The records custodian is the office or person who has been deemed as the official keeper for that particular type of record.

NO

YES

DISPOSE OF RECORDS IN A SECURE MANNER

When an employee or office is not the official custodian of a record, they are only in possession of “convenience” or “courtesy” copies. When an employee or office is not the official custodian, and only have convenience copies, they have no obligation to retain the record. Therefore, all courtesy/convenience) copies should be disposed of.

RECORDS SHOULD BE RETAINED IN ACCORDANCE WITH THE MINIMUM RETENTION ESTABLISHED IN THE SUNY SCHEDULE OR STATE SCHEDULE.

When the minimum retention has been met for the particular record, the records should be disposed of safely OR retained if a LIMITED exception applies.

LIMITED EXCEPTIONS

LIMITED EXCEPTIONS TO MINIMUM RETENTION SET IN THE SCHEDULES

No records should be retained on SUNY campuses past their retention period *unless* they still serve a documented LEGAL, OPERATIONAL, or HISTORIC value to the institution based on one of five limited justifications. If a campus or office does decide to retain records for longer than the schedule retention, they should consult with their Records Management Officer to discuss their reasons for retaining the records and document their reasoning.

5 Reasons records need to be retained longer than minimum retention established in schedule:

1. Discovery:

The records are the subject of a litigation discovery request.

2. FOIL/ Information Request:

The records are the subject of a current, ongoing FOIL or information request that has not yet been resolved or closed.

3. Legal Hold:

The records are the subject of a legal hold, because a SUNY Counsel member has determined, in accordance with the SUNY Legal Proceeding Preparation (E-Discovery) Procedure Doc. No. 6610, that the records may have relevance in a future litigation.

4. Historic:

The records could be considered historic at some point in the future. The SUNY schedule accounts for this history, as many high-level administration records of the campus are permanent. However, there will be circumstances where records may not have originated from the administration, but may still be historically relevant to the SUNY institution.

5. Operational Value and Need:

The SUNY office has determined that the records serve a necessary operational value to the office, and that the operational value outweighs the risks that come with holding onto the records.

- Operational value and need should be used sparingly to justify retaining records longer than the minimum retention, and should be restricted to circumstances where it truly is a need, and that need should be documented, given the risks that come along with having too many records and holding them for too long.

Appendix E – Sample Box Label

Box #: _____

RDA #: _____

Office/Department: _____

Contact Name: _____

Description of Files: _____

Person files belonged to: _____

Corresponding Transfer Sheet: _____

Date Transferred to long-term storage: _____

Date of Destruction: _____