

61.99.01 Retention of State Records

Revised [October 19, 2015](#)
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Regulation Statement

The Texas A&M University System (system) will maintain an active and continuing state records management program in compliance with federal and state law.

Reason for Regulation

The system recognizes the need for all members to manage and retain state records according to The Texas A&M University System Records Retention Schedule (Schedule) and applicable law.

Procedures and Responsibilities

1. SYSTEM RECORDS MANAGEMENT PROGRAM

- 1.1 The system is committed to maintain an active and continuing state records management program in compliance with federal and state law. **This regulation applies only to state records which do not include convenience copies, library or museum materials and certain stocks of publications or forms.**
- 1.2 The system records management officer (RMO) is the person appointed by the chancellor to be the system's representative in all issues of records management policy, responsibility and statutory compliance. The RMO will coordinate the system's records management program as required by law and ensure that members have current information on records management laws and procedures, including providing or making available necessary employee training.
- 1.3 The RMO shall submit the Schedule, including any amendments, for certification to the Texas State Library and Archives Commission (Commission). The Schedule, including any amendments, will be available to members on the System Offices website. The RMO will promptly notify members when changes to the Schedule are certified.
- 1.4 Member Records Officers
 - 1.4.1 Each member chief executive officer (CEO) shall designate an individual as records officer to manage the retention and disposition of state records for that

member, and shall notify the RMO of such designation. Each records officer will ensure that the Schedule lists all records series maintained by that member.

1.4.2 Each member records officer, in consultation with the RMO, shall develop guidelines for the retention, disposition and security of state records at that member, including the identification of state records that are eligible for destruction or other disposition. The guidelines should give special attention to vital state records, archival state records, electronic state records and litigation holds. Each records officer will coordinate with the RMO to develop and provide employee training on that member's record retention guidelines.

1.4.3 Each member's records retention guidelines must require that state records not be destroyed or otherwise disposed of unless approved in writing by the records officer or designee using that member's records destruction form. However, a member's guidelines need not require that the destruction of transitory information be approved by the records officer or designee. Each member records officer will coordinate with the RMO to develop a records destruction form for that member.

1.4.4 Each member will periodically survey the state records at that member and provide the RMO with any proposed changes to the Schedule based on the survey. The record copy of state records or electronic state records should be readily accessible.

2. RECORDS RETENTION SCHEDULE

2.1 The retention periods on the Schedule apply ONLY to the record copy of state records as defined in this regulation. State records maintained in electronic format or microfilm must comply with the Commission's administrative rules.

2.2 State records listed on the Schedule cannot be destroyed until the designated retention period has expired and the member records officer or designee has approved the destruction pursuant to this regulation and member guidelines. Subject to Section 2.3 of this regulation, transitory information may be destroyed when the purpose of the record has been fulfilled and the records officer or designee is not required to approve such destruction. State records not listed on the Schedule cannot be destroyed until the records officer or RMO obtains written approval from the Commission. Final disposition of state records must ensure that records scheduled for destruction are disposed of in a manner that ensures protection for any sensitive or confidential information.

2.3 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 the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. Each member records officer will coordinate with that member's designated public information officer, the RMO and, as necessary, the Office of General Counsel (OGC), to ensure compliance with this section.

2.4 A member's recommended changes to the Schedule must be submitted in writing through the records officer to the RMO.

3. AUDIT REQUIREMENTS

3.1 Each member CEO and records officer shall identify which of their state records are subject to audit by internal, state and federal auditors and ensure that the member is in compliance with the audit requirements. In the event of an audit, the member will provide the requested state records or copies of the state records to the auditing agency.

3.2 Any state records subject to internal, state or federal audit must be retained until the expiration of the audit period or the period specified in the Schedule, whichever is later. The Schedule identifies some of these state records. It is the responsibility of each member records officer to identify any additional state records that are subject to internal, state or federal audit and ensure they are retained accordingly.

4. STATE RECORDS OF HISTORICAL SIGNIFICANCE

Member CEOs are responsible for identifying their state records, in addition to those designated on the Schedule, that are of such historical significance that they should be designated and preserved as archival state records. Resulting recommendations for any changes to the Schedule should be submitted in accordance with Section 2.4.

5. ANNUAL MEMBER COMPLIANCE CERTIFICATION

Not later than the last business day of September, members shall annually submit a Retention of State Records compliance certification to OGC for the prior fiscal year. The certification will be consistent with the form linked in this regulation. OGC will provide a summary of these certifications to the chancellor.

Related Statutes, Policies, or Requirements

[13 Tex. Admin. Code Part 1, Ch. 6, State Records](#)

[Tex. Gov't Code Ch. 441, Subch. L, Preservation and Management of State Records and Other Historical Resources](#)

[The Texas A&M University System Records Retention Schedule](#)

[Records Destruction Form and Instructions](#)

[System Regulation 61.01.02, Public Information](#)

Definitions

Archival state record – a state record of enduring historical value that will be preserved on a continuing basis. *See* Tex. Gov’t Code § 441.180(2).

Convenience copies – other copies of a record that are held by other offices in the system or the member. These copies should not be retained after the destruction of the record copy.

Electronic state records – state records as defined in this regulation that are maintained in electronic format, including electronic mail and the product of computer processing. *See* Tex. Gov’t Code § 441.189; 13 Tex. Admin. Code § 6.91(5).

Record copy – the official copy of a state record that must be maintained for the retention period designated on the Schedule and destroyed at the end of the specified amount of time, along with all convenience copies, including electronic records.

Records management – the application of management techniques to the creation, use, maintenance, retention, preservation and destruction of state records for the purposes of improving the efficiency of recordkeeping, ensuring access to public information under the Public Information Act and reducing costs. *See* Tex. Gov’t Code § 441.180(7).

Records series – groups of identical or related state records that are normally used and/or filed together and are evaluated as a group for retention scheduling purposes. Such groups of state records are in the same records series, regardless of the span of years covered. *See* 13 Tex. Admin. Code § 6.1(13).

State records – any written, photographic, machine-readable or other recorded information created or received by or on behalf of a member that documents the member’s activities in the conduct of state business or use of public resources. *See* Tex. Gov’t Code § 441.180(11).

Transitory information – records of temporary usefulness that are not an integral part of a records series of a member, are not regularly filed within a member’s recordkeeping system and are required only for a limited period of time for the completion of an action by an official or employee of a member or in the preparation of an on-going records series. Transitory records are not essential to the fulfillment of statutory obligations or to the documentation of member functions. *See* 13 Tex. Admin. Code § 6.91(8).

Vital state record – any state record necessary to the resumption or continuation of system operations in an emergency or disaster; the re-creation of the legal and financial status of the system; or the protection and fulfillment of obligations to the people of the state. *See* Tex. Gov’t Code § 441.180(13).

Appendix

[Annual System Member Retention of State Records Compliance Certification Form](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

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