



PROCEDURAL LEAFLET

July 2009

RECORDS DESTRUCTION PROCEDURES FOR ALABAMA LOCAL GOVERNMENTS

Unless they are disposed of in a timely fashion, an agency's inactive records can overwhelm both active files and records storage space. Fortunately, county and municipal records disposition authorities (RDAs) approved by the Local Government Records Commission (LGRC) can prevent this paper explosion, and increase available computer memory, by permitting the destruction of outdated temporary records. Destroying eligible records at regular intervals is an important component of an effective records management program.

However, following the authorized procedure for records destruction is not merely good records management; it is also a requirement under Alabama law. According to Section 41-13-23 of the Code of Alabama:

No county, municipal or other local government official shall cause any county, municipal, or other local government record to be destroyed or otherwise disposed of without first obtaining the approval of the Local Government Records Commission.

This procedural leaflet offers general guidelines and procedures for destroying outdated county or municipal records, after the retention periods in their RDAs expire. Agencies may legally dispose of outdated records by submitting a Local Government Records Destruction Notice to the Alabama Department of Archives and History (ADAH), which acts for the LGRC in verifying that local government records were legally destroyed. The leaflet also explains how to incorporate records disposition into an agency's overall records management program.

When Should Records be Destroyed? Records disposition functions most effectively when it is a routine procedure, carried out at regular intervals. To simplify office records management, organize agency files according to the records series categories in the RDA, then by fiscal or calendar year. Such a system—once in place—makes it easy to establish annual file breaks, send inactive records into storage, and earmark temporary records for destruction once their retention periods expire. Although an annual destruction cycle may work most efficiently for fully organized programs, certain other events can also trigger the organized destruction of outdated and unneeded records:

- the release of an audit report
- the end of a fiscal year

- a change in administration
- for school systems, the end of an academic year

The retention period assigned to each record in the RDA is the *minimum* length of time that record must be kept. Although records may be kept longer in some cases (see “When Should Records *Not* be Destroyed?” below), maintaining short-term records longer than necessary “just in case” will quickly lead to overcrowding and disorder in valuable records storage space.

When Should Records *Not* be Destroyed? No record, regardless of format, should be destroyed before the end of its assigned retention period. (For procedures to follow when records are lost prematurely, see below: “How Should the Unauthorized Destruction of Records be Reported?”). There are instances, however, in which an agency’s legal interests dictate retaining records that would otherwise be disposable under its RDA. For example, retain related records when:

- the agency is undergoing an audit or investigation
- there are legal or financial claims against the agency or a particular agency program
- the agency is involved in litigation

All records relating to such processes must be retained until a final settlement is reached.

Occasionally, local officials may wish to retain records of special administrative or historical importance to the county or municipality, even if similar records are usually disposed of under its RDA. If a local library, archives, or historical society can provide proper storage for records of historical value, the agency may wish to transfer them under a Local Government Records Deposit Agreement. A leaflet outlining this procedure is available on the ADAH website at: http://www.archives.alabama.gov/ol_pubs/localrda.html.

How Should Records Destruction be Organized? Records destruction is best carried out in an organized, coordinated manner. The head of the agency should designate a staff member—ideally, someone with sufficient records knowledge and authority—to coordinate the records program. The records officer’s duties should include:

- recruiting a liaison in each agency division/department/office/ local school, etc.
- providing the liaisons with copies of the agency’s RDA
- notifying them when records destruction should occur, overseeing their selection of records to be destroyed, and collecting their completed destruction notice forms
- securing the authorizing official’s signature (see below) and sending the completed notices to ADAH.
- maintaining both a copy of the current RDA and copies of all destruction notices submitted. (The local records archivist at ADAH will normally return a copy when responding to the notice.)

Agencies should also submit a Local Government Records Destruction Notice for original paper records that are to be destroyed after being transferred to microfilm or digital images. Sections 41-13-40 and 41-13-44 of the Code of Alabama allow microfilm to be substituted for original paper records, if it has been verified as an accurate copy by the records custodian. If permanent paper

records are to be destroyed after microfilming, ADAH staff may ask to examine the microfilm before the original records are destroyed, in order to be sure that the microfilm meets quality standards set by the American National Standards Institute (ANSI) and the Association for Image and Information Management (AIIM).

Who Should Authorize Destruction for the Agency and Sign Destruction Notices? Usually, the “authorizing official” who signs the notice is the agency head, the person who has ultimate legal responsibility for the agency’s records. This may be an elected official, such a probate judge, county commission chairperson, revenue commissioner, or sheriff. In some cases, ADAH will also accept the signature of the person with direct, day-to-day responsibility for agency records, such as a municipal clerk (as well as mayor), county administrator (as well as commission chairman), or utility board business manager (as well as board chairman). In large counties or municipalities with a multiplicity of agencies, a department head may sign on behalf of the county administrator or city clerk. If an agency has a designated records officer, ADAH will accept that person’s signature if so notified by the agency head. One exception: the State Department of Education has stipulated that records destruction notices from local schools or boards of education *must be signed by the system superintendent*, not a program director or school principal.

If ADAH receives a notice signed by someone without authority to authorize destruction, and the records are otherwise legally disposable, we will usually process the notice but ask the agency to submit a properly signed copy for our files.

Must an Agency Obtain ADAH Approval *Before* Destroying Outdated Records, or May Notice Be Sent *Afterward*? Formerly, the LGRC required agencies to give notice before records were destroyed, because ADAH approved destruction on behalf of the commission. This practice has been discontinued. In most cases, an ADAH staff member is not physically present to verify that a destruction notice accurately reflects the records actually destroyed. Moreover, it is ultimately the agency’s responsibility to follow the legal mandates of its RDA. The commission’s current policy, therefore, allows agencies two avenues for reporting the destruction of outdated records:

- Submitting a notice before destruction actually occurs (a 10-day interval is recommended), gives the local records archivist at ADAH time to review it and to contact the agency with any questions or concerns. This procedure provides security for new records officers who may be less familiar with their RDA and want to ensure that ineligible records are not destroyed accidentally. Even experienced records officers may wish to have “another set of eyes” double-check their work before destruction. It is especially important, in this case, for the name and telephone number of the person who completes the notice to be included on the form.
- Once an agency has grown used to the destruction notice process, it may feel comfortable with carrying out routine records destructions without waiting for “permission” from ADAH. This method allows more flexibility in planning and may be convenient on occasions when the shredding truck shows up unexpectedly a few days early. So long as the agency’s records officer ensures that its *ex post facto* destruction notice is both complete and accurate, no harm is done by submitting it after the records are destroyed. Agencies should bear in mind,

however, that records destructions usually are not reversible. ADAH has established a special procedure for reporting the premature loss of ineligible records through accident or natural disaster (see “How Should the Unauthorized Destruction of Records be Reported?” below).

Can I Submit my Destruction Notice Electronically? Yes. The Local Government Records Destruction Notice form can be completed and returned electronically as an e-mail attachment. Instructions for e-mail submission are found, along with the form, at: <http://www.archives.alabama.gov/officials/dnform.pdf>. Naturally, agencies may still print out and mail paper copies of the form, but notices sent by e-mail often receive an immediate response.

What Happens to a Destruction Notice Once It is Submitted? If the notice was submitted prior to destruction and there is a question whether any records listed have met RDA retention requirements, the local records archivist at ADAH will call or e-mail the contact person listed on the form. Otherwise, agencies that submit paper notices should receive a letter acknowledging the notice within a few days of its receipt. Electronic notices may receive a same-day reply. Our letter will confirm that the records proposed for destruction, or previously destroyed, appear to be legally disposable. If the notice was submitted in paper format, a copy will be returned to the agency with our letter of acknowledgment. All original destruction notices, whether paper or electronic, will be retained permanently in the Government Records Division files. In case of future questions arising during agency audit or litigation processes, ADAH can always verify that the agency complied with the legal procedure for destroying outdated records, as established by the LGRC and the Code of Alabama. The agency’s own legal interests favor its submitting a destruction notice.

How Should Legally Disposable Records Be Destroyed? Options listed on the destruction notice form include shredding, landfilling, burning, and recycling. Landfilled records should be boxed and loaded carefully, so that nothing is lost on the way to the landfill. Records with personal identifiers, or other restricted information, must be destroyed in a manner that prevents identity theft (shredding, recycling, burning, or burying completely at a landfill). For electronic records, simply deleting outdated files may not remove them from a computer’s hard drive. Utilize records management software to purge data automatically and irretrievably when its retention period expires. Whatever the destruction method chosen, agency staff should always supervise the process and ensure that all record information is actually destroyed. Few things are more embarrassing than having a concerned citizen return “lost” records to your office.

How Should the Unauthorized Destruction of Records Be Reported? Despite local officials’ best efforts, records may occasionally be lost to accident, theft, natural disaster, or other unauthorized destruction before their retention periods expire. In such cases, the agency should promptly submit a Local Government Records Destruction Notice, along with a letter fully explaining the circumstances of the loss. It is better, from a legal or audit perspective, to document a premature records destruction at the time, rather than to have a court or the Examiners discover the loss later. Records that are severely damaged by fire, water, or mold growth may be unusable or hazardous to health, even if they are not quite “lost.” In such cases, consult with ADAH archivists about salvaging the records or, if salvage is impossible, reporting their destruction.

INSTRUCTIONS FOR COMPLETING A DESTRUCTION NOTICE

Detailed instructions for completing and submitting Local Government Records Destruction Notices are found on the back of the attached sample form. Here are a few points to remember:

Date of Intended Destruction. If you want ADAH staff to review your notice prior to destruction, set this date 10 days after the date that you submit the notice. However, if the shredding truck is on its way and you cannot wait for our response, you need not wait for ADAH approval before the records are destroyed.

Cubic Feet Destroyed. We ask for a volume estimate of the records you destroy, because we keep statistics on records destruction statewide. A chart on the back of the form can help in estimating records volume. If you do not include an estimate, we will count the number of boxes or books you have listed.

Name/Telephone Number of Person Completing Notice. Besides the authorizing official, please list the name and telephone number of a person who works with the records on a daily basis, so that we can contact that person with any questions. Preferably, it should be the same person who completes the notice.

RDA Record Number. Please include the RDA item number for each type of record you destroy, especially if you use variant titles from those listed in the RDA. This speeds up our review and let us know you have examined the retention requirements for your records.

Records Title/Date Span of Records to be Destroyed. Remember that the title and date span for each type of record you destroy can be a *one-line entry*. You need not list each box or volume individually. Many specific records series can be grouped under a broad RDA category, such as “Routine Accounting Records.” Also, you do *not* need to use a separate destruction notice form for each type of record listed.

Date Latest Records Listed Were Audited. This one has caused much confusion. The date we mean is the date the most recent records *listed on the destruction notice form* were audited—*not* the date of your most recent audit. The audit referred to is the one conducted by the Examiners of Public Accounts or, for municipal agencies, by an independent auditing firm.

Date of Actual Destruction. The person who witnesses the records’ destruction should sign the form here. If you send your notice to ADAH before the records are destroyed, it is unnecessary to notify us again by sending another copy when destruction actually occurs. Verification of destruction is for agency record-keeping purposes.

For assistance with implementing your agency’s RDA, submitting a Local Government Records Destruction Notice, or developing a records management program, contact the ADAH Government Records Division at (334)242-4452, or records@archives.alabama.gov. Local government RDAs, and all ADAH records management publications, are available on our website: <http://archives.alabama.gov>.

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LOCAL GOVERNMENT RECORDS DESTRUCTION NOTICE

Date _____

07/09

To document the legal destruction of records in your agency's records disposition authority (RDA), send this form to the ADAH Government Records Division. **Records not covered by an approved RDA, or records created prior to 1900, may not be legally destroyed.** If you would like ADAH to review your notice before the records are destroyed, please submit it **10 days** before the scheduled destruction date. Your office should retain a copy. If you have questions, contact the ADAH Government Records Division at (334)242-4452.

Please type. See instructions on back.

Local Government _____

Department _____

Program Unit _____

SEND ORIGINAL FORM TO:
DEPARTMENT OF ARCHIVES AND HISTORY
ATTENTION: LOCAL RECORDS SECTION
P.O. BOX 300100
MONTGOMERY, ALABAMA 36130-0100

This agency will destroy the records listed in the manner checked below:

SHREDDING LANDFILL BURNING RECYCLING OTHER _____

MICROFILMING, WITH DESTRUCTION OF THE ORIGINAL RECORDS (**Note:** Microfilm must meet ANSI/AIIM standards before the destruction of original records can be approved.)

DATE OF DESTRUCTION _____ CUBIC FEET DESTROYED _____

I hereby certify that the records to be destroyed are correctly represented below, that they are eligible for destruction according to a records disposition authority approved by the Local Government Records Commission, that audit and Sunset Review requirements have been fully satisfied, and that the records are not required for any pending or imminent litigation.

Signature and Title of Authorizing Official

Name/Telephone Number of Person Completing Notice

RDA RECORD NUMBER	NO. OF <input type="checkbox"/> boxes <input type="checkbox"/> reels <input type="checkbox"/> books	RECORDS TITLE - AS SHOWN IN RDA (Include variant titles in parentheses)	DATE SPAN OF RECORDS TO BE DESTROYED	DATE LATEST RECORDS LISTED WERE AUDITED

The records above have been destroyed in the manner shown. Witnessed by _____ Date _____
Name/Title

INSTRUCTIONS

Date: List the date the notice is completed.

Local Government: List the name of your county or municipality.

Department: List the principal administrative unit responsible for the records (e.g., county commission, city clerk, police department, board of education).

Program Unit: List the program unit or area within the department where the activity originates (e.g., personnel department, patrol division, local school) or the general category of records (finance, payroll, etc.).

Method of Destruction: List the method to be used to destroy the records. Refer to the section "How Should Records Be Destroyed?" in the ADAH procedural leaflet *Records Destruction Procedures for Local Governments*.

Date of Intended Destruction: List the date on which destruction of the records took place or will take place. If you would like for ADAH staff to review your notice prior to destroying the records, please choose a date at least 10 days after the notice is mailed.

Cubic Feet Destroyed: This figure can be calculated by using the following conversion chart:

1 standard (15" x 12" x 10") records carton	1.0 cubic foot
1 "bankers box" ("double-long" records storage carton)	2.0 cubic feet
1 letter-size file drawer	1.5 cubic feet
1 legal-sized file drawer	2.0 cubic feet
Woodruff document files (15" deep), 3 drawers	1.0 cubic foot
Letter-sized shelf unit 36" long	2.4 cubic feet
Legal-sized shelf unit 36" long	3.0 cubic feet
Fifty 100-foot 35mm microfilm rolls	1.0 cubic foot
One hundred 100-foot 16mm microfilm rolls	1.0 cubic foot
10,000 tab cards	1.0 cubic foot
3 x 5 cards, ten 12" rows	1.0 cubic foot
4 x 6 cards, six 12" rows	1.0 cubic foot
5 x 8 cards, four 12" rows	1.0 cubic foot

Signature and Title of Authorizing Official: The destruction notice should be signed by the person who is *legally responsible* for the records (*county administrator, probate judge, city clerk, chief of police, superintendent of schools, etc.*). A designated records officer may sign if authorized to do so by the agency head.

Name/Telephone Number of Person Completing Notice: Please list the name and telephone number of a contact person who works with the records on a daily basis (preferably, the same person who filled out the destruction notice).

RDA Record Number: In this column, list the number of the record listed before the record title in the RDA.

Number of Boxes/Reels/Books. For each record listed, show number of boxes, reels (microfilm), or books.

Records Title: List the exact title listed in the RDA. Include any variant titles used locally in parentheses under the title as listed in the RDA. You may include more than one records title on the notice.

Date Span: List the beginning and ending dates for each records series listed.

Date Latest Records Listed Were Audited: List the date that the most recent records *listed on the form* were audited (*not* the date of your most recent audit). The audit referred to is the one conducted by the Examiners of Public Accounts or, for municipal agencies, by an independent auditing firm.

Note: The last line on the notice is completed after the records' destruction by the individual who witnessed the destruction. It is not necessary to return another copy of the form to ADAH when the records are destroyed.

RETAIN A COPY OF EACH RECORDS DESTRUCTION NOTICE SENT TO ADAH FOR THE PERIOD CALLED FOR IN YOUR AGENCY'S RDA.