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## RECORDS MANAGEMENT AND RETENTION

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### A. Purpose

The purpose of this policy is to provide guidance on proper management of official records of The University of Texas Rio Grande Valley (UTRGV).

### B. Persons Affected

All UTRGV faculty and staff and other individuals that create or maintain records on behalf of UTRGV.

### C. Definitions

1. Archival State Record - Any UTRGV record of enduring value that will be preserved on a continuing basis by the Texas State Library and Archives Commission (TSLAC) or UTRGV until the state archivist indicates that, based on a reappraisal of the record, it no longer merits further retention.
2. Confidential Information - information that must be protected from unauthorized disclosure or public release based on state or federal law (e.g., the Texas Public Information Act) or other constitutional, judicial or legal agreement requirements.
3. Convenience Copy - A duplicate of a record copy used for reference purposes. (CAUTION: Care must be taken in determining whether duplicate records are indeed convenience copies or if two or more copies of the same document must be considered record copies. It is possible for the same document to be present in two or more departments and be a record copy in each, if the document serves a different function in each location.)
4. Personally identifiable information - any information about an individual that can be used to distinguish or trace that individual, or can be used in coordination with other sources to distinguish or trace that individual (e.g., name, maiden name, mother's maiden name, social security number, date of birth, government issued identification number such as a driver's license or passport number, address information, financial account or card numbers, unique biometric data, etc.).
5. Protected health information (PHI) - individually identifiable health information that is transmitted or maintained in any medium or form, including electronically.
6. Record Copy (or official state record) - A state record kept as an original or official record for the total retention period by the department responsible for maintenance and disposition of the record.
7. Records Management Officer (RMO) - The individual appointed by the President of UTRGV to act as UTRGV's representative on all issues of records and information management policy, responsibility, and statutory compliance pursuant to *Texas Government Code*, Section 441.184.

8. Records Retention Schedule - a list of university records or records series and prescribed periods of authorized retention prepared in accordance with Texas Administrative Code Title 13, Chapter 6, Section 6.2.
9. Record Series - a group of identical or related records that are normally used or filed together and that permit evaluation as a group for records retention schedule purposes.
10. State Record - any written, photographic, machine-readable, or other recorded information, regardless of medium, created or received by or on behalf of UTRGV that documents activities in the conduct of state business or use of public resources. The term does not include (a) library or museum material made or acquired and preserved solely for reference or exhibition purposes; (b) an extra or convenience copy of recorded information preserved only for reference; or (c) a stock of publications or blank forms.
11. Texas State Library and Archives Commission (TSLAC) - The Texas state agency charged with oversight of the management, retention and destruction of official records by state agencies and public institutions of higher education such as UTRGV.
12. Transitory Information - Records of temporary usefulness that are not an integral part of a records series of UTRGV, that are not regularly filed within UTRGV's recordkeeping system, and that are required only for a limited period of time for the completion of an action by UTRGV 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 UTRGV functions.
13. University Records - Official UTRGV (state) records in any format (paper, microform, electronic, including all electronically stored information (ESI), or any other media) that must be retained for the retention periods stated in UTRGV's Records Retention Schedule.
14. Vital State Record - any UTRGV record necessary to the resumption or continuation of UTRGV operations in an emergency or disaster, the recreation of the legal and financial status of UTRGV, or the protection and fulfillment of obligations to the people of the state of Texas.

#### D. Policy

All official University records in any format must be retained for the retention periods stated in UTRGV's Records Retention Schedule as approved by TSLAC and the Texas State Auditor's Office in compliance with *Texas Government Code*, Chapter 441. Once they have reached the end of their retention period, University records must be disposed of in a manner that is consistent with, and systematically carried out in accordance with prescribed records and information management guidelines and procedures.

Department or unit heads are responsible for protecting and preserving all records under their control, for timely disposing of records under its control according to this policy, and for ensuring employees adhere to this policy and applicable state records management laws.

#### E. Procedure

1. The President is responsible for the proper management of University records as outlined in *Texas Government Code*, Chapter 441. The President shall appoint a Records Management Officer, which shall be reported to the Texas State Library and Archives Commission as prescribed by TSLAC State and Local Record Management Form 104: Designation of State Agency Records Management Officer.
2. The Records Management Officer shall:
  - a. implement and maintain UTRGV's Records Retention Schedule;
  - b. submit UTRGV's Records Retention Schedule to TSLAC for all required approvals and recertifications;
  - c. Ensure that each UTRGV department periodically conducts inventories that identifies all University records, where they are located, and in what quantity. All records should be inventoried, regardless of the media in which they are maintained; and
  - d. Provide necessary guidelines, training, and assistance with storage and generally serve in an advisory capacity to all UTRGV departments.
3. All University records, including paper, microform, electronic, or records in any other media, will be retained for the minimum periods stated in UTRGV's Records Retention Schedule as approved by TSLAC and the Texas State Auditor's Office in compliance with *Texas Government Code*, Chapter 441.
4. Convenience Copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official University records. A convenience copy should be destroyed when they cease to be useful and should never be kept longer than the official University record of which it is a copy.
5. Each UTRGV department or unit is responsible for ensuring that its employees and other individuals that use and maintain its records adhere to applicable state records management laws. Each department or unit shall consult with the Records Management Officer for advice and guidance as necessary to ensure such compliance.
6. The Records Retention Schedule shall serve as list of official records for each UTRGV department or unit and prescribe the periods of authorized retention for each University record. Employees must follow the Records Retention Schedule when making retention and destruction decisions.
  - a. The Records Retention Schedule shall be updated by the RMO every three years. In addition, it may be revised periodically to include a newly created record series, to change retention periods, or to delete a record series no longer useful. Appropriate approval procedures must be followed and completed before any revisions become effective.
  - b. University records kept only in electronic format must be identified in the Records Retention Schedule and must be maintained as required by the specific

requirements for electronic records adopted by TSLAC at 13 Texas Administrative Code, Sections 6.91-6.97.

- c. Electronic mail messages (email) created, received, retained, used, by or on behalf of UTRGV are also considered University records and must be retained or disposed of according to the Records Retention Schedule. Electronic mail messages are not considered a single Record Series for retention purposes. The content and function of the email message should determine the retention period for that message. It is the responsibility of each individual who creates and receives e-mail on behalf of UTRGV to manage e-mail messages according to the Records Retention Schedule.
- d. Archival state records should be identified in the Records Retention Schedule and maintained in accordance with *Texas Government Code*, Texas Government Code, Section 441.181.
- e. Vital state records should be identified in the Records Retention Schedule and protected in accordance with *Texas Government Code*, Section 441.183.

#### 7. Destruction of University Records

- a. No University records may be destroyed except in accordance with this policy and the UTRGV Records Retention Schedule.
- b. UTRGV is legally obligated to preserve records and evidence that are relevant to pending claims or other actions. To the extent that UTRGV has notice of potential or current claims or other actions, the requirements of this paragraph supersede the applicable retention deadlines identified in the Records Retention Schedule.
  - i. A record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record has been initiated. The record's destruction may not occur until the completion of the action and the resolution of all issues that arise from it.
  - ii. Similarly, a record whose retention period expires while any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is pending may not be destroyed until the completion of the action and resolution of all issues that arise from it.
- c. Authorization for destruction of a University Record may be given by the RMO or appropriate department or unit head, as determined by the RMO. Prior to disposal of official records, all state and institutional records and information management regulations and policies must be followed. The disposal of transitory information need not be documented, but the RMO should establish procedures governing disposal of these records as part of UTRGV's records management plan.
- d. University records not listed on UTRGV's Records Retention Schedule may be destroyed after receiving approval by TSLAC upon completion and submission of TSLAC Form RMD 102: Authority to Dispose of State Records.
- e. Records containing confidential information, personally identifiable information, or protected health information should be destroyed in a way that recognizes the

sensitivity of the information on the record, such as shredding, erasing, or otherwise acting upon the record to make it unreadable or indecipherable.

8. Requests received for University records under the Texas Public Information Act should be directed to the UTRGV Public Information Officer.

**F. Relevant State Statutes, State Regulations, UTS Policy, and Forms**

*Texas Government Code, Chapter 441*

*Texas Administrative Code Sections 6.91-6.97*

*Texas Government Code, Chapter 552*

*UTS139, Texas Public Information Act*

TSLAC Form RMD 102: Authority to Dispose of State Records

TSLAC State and Local Record Management Form 104: Designation of State Agency Records Management Officer

TSLAC State and Local Record Management Form 105: Records Retention Schedule