



## RECORDS RETENTION SCHEDULES

### An overview of the process for Minnesota State Colleges and Universities

#### STATE LAWS REGULATE MANAGEMENT OF OFFICIAL RECORDS

In Minnesota, governmental entities, including Minnesota State Colleges and Universities, are subject to the state's records management statute, [Minn. Stat. Sect. 138.17](#), and the official records law, at [Minn. Stat. Sect. 15.17](#). These laws, in general, provide directives concerning the retention and destruction of "official records," i.e., records that are necessary to a full and accurate knowledge of official activities. Government entities are supposed to have data retention schedules for the official records that they keep; those schedules must be approved by a statewide records disposition panel headed by the Department of Administration. Official records are to be retained in accordance with that schedule, and of particular importance, official records may not be destroyed unless pursuant to an approved schedule.

Documents that are part of an audit, judicial process, internal or external complaint or administrative proceeding or data request *must* be retained while that process is active, irrespective of the retention schedule.

Intentional unauthorized destruction of or other improper handling of official records may result in discipline of a public employee, or even criminal action. [Minn. Stat. Sect. 138.225](#).

#### STEPS TO CREATING DATA RETENTION SCHEDULE

- 1. List the data that you create and maintain. See ["Records Inventory Worksheet"](#) from the Minnesota Historical Society.**
  - May be helpful to start with detailed list and then categorize by function
  - Use examples from other schools or the [System Office](#)
- 2. Is the data covered by an existing retention schedule?**
  - See the Minnesota State Personnel and Payroll Schedule that applies to system.
  - Other approved schedule?

**3. If not covered by an existing schedule, create one**

- Do applicable laws define? Consult Minnesota State Office of General Counsel; your assigned Assistant Attorney General; or other schools that have an approved retention schedule.
- General resources: Minnesota Department of Administration (IPAD) no longer provides direct assistance to government entities for records retention. Instead, the Minnesota Historical Society now manages those responsibilities. Their web site at: [www.mnhs.org/preserve/records](http://www.mnhs.org/preserve/records) has numerous documents and instructions for you to download.
- Minnesota Historical Society published a booklet that is very useful on the general subject of records retention entitled: [\*Preserving and Disposing of Government Records\*](#), May 2008.
- Another useful publication for student records management is published by the American Association of Collegiate Registrars and Admissions Officers (AACRAO) entitled: *Retention of Records; Guide For Retention and Disposal of Student Records*. (2014). Colleges and universities should be mindful if using this publication that only federal laws are discussed, and such laws are only one part of the equation – if there is an approved retention policy in place that has a longer retention time, it takes precedence. Consultation with the OGC or AGO is advised.

**4. To obtain approval for retention schedule, as required by law, Minn. Stat. Sect. 138.17 – use form downloaded from: <http://www.mnhs.org/preserve/records/recser.php>**

**5. Follow schedule**

- Provide appropriate notice when destroying documents pursuant to schedule
  - [Records Destruction Report](#) from the Minnesota Historical Society
- Don't keep records longer than stated in schedule unless necessary
- Update as appropriate