

Policies of the University of North Texas Health Science Center	Chapter 04 – Administration
04.312 Records Disposition	

Policy Statement.

Purpose

The University of North Texas Health Science Center recognizes, as described in the Texas State Records Management Manual, the statutory responsibility for the legal disposition of state records as outlined in the Texas Government Code, Chapter 441.

State Requirements

All state agencies are required to request authority before destroying state records. The process for the legal destruction of state records is outlined in the Texas Government Code, Chapter 441.

The perpetual destruction of records is based on an agency’s approved “Records Retention Schedule” (Form SLR 105) accompanied by a signed “Certificate and Approval” (Form SLR 105C), or submission and approval of a “Request for Authority to Dispose of State Records” (Form RMD 102) each time unscheduled records become eligible for final destruction.

The final disposition of records must be documented. There is no standard state form for this but it is recommended that a disposal log or file be maintained at the agency level that includes at least the following:

- (a) Records series title
- (b) Retention period
- (c) Volume of records eligible for final disposition
- (d) Type of final disposition (if destruction, method used)
- (e) Disposal date
- (f) Signature(s) of agency personnel approving final disposition.

Maintaining documentation of records disposal complies with administrative rules for state recordkeeping (Records Retention Rules, 13 TAC §6.8).

Texas State Records Management Manual 5.98, Final Disposition.

Texas Health and Safety Code, Chapter 181 Medical Records Privacy

Government Code, Chapter 441, Texas Penal Code, Subchapter L, Section 37.10. Tampering With Governmental Records.

Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records.

Texas Business and Commerce Code, Section 35.48 An Act relating to the disposal of certain business records that contain personal identifying information; providing civil penalty.

Application of Policy.

This policy applies to anyone who creates or maintains business records that are either required or would be normally maintained in the regular course of business.

Definitions.

1. **Records destruction** - The objective of records destruction is to remove the record from possible use after it has become obsolete and to ensure that sensitive or confidential information does not become public. Because destroyed records cannot be recalled, extra care should be taken before records destruction. All state, local, and federal statutory regulations must be satisfied.
2. A **convenience copy** - is defined as extra copies in addition to “official” records contained elsewhere.
3. A **records series** is defined as a group of identical or related records that are normally used and filed as a unit.
4. **Final disposition** is defined as the terminal treatment of the records series, either by destruction or permanent storage.
5. A **state record, public record, official record** is defined as a document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received according to law or ordinance or in connection with the transaction of official business.
6. **In-Active Record** is defined as a series of records with a reference rate of less than one search per file drawer per month.
7. **Vital records** are those records essential to the resumption of business or operations, recreation of an agency’s financial or legal position, and the protection of employee and citizen rights.
8. **General Disposal** is defined as disposing of intact records by general trash collection or bulk recycling.
9. A **state publication** is defined as information in any format that is produced by the authority of or at the total or partial expense of a state agency or is required to be

distributed under law by the agency, and is publicly distributed. The term does not include information the distribution of which is solely limited to contractors with or grantees of the agency, staff persons within the agency or within other government agencies, or member of the public under a request made under the open records law, Government Code, Chapter 552. The term includes but is not limited to: a publication distributed in print, on microform, as audiovisual material, as interactive media or on electronic external storage device; an on-line publication which is an index to other on-line publications, one or more text, graphic, or other digital files, or a user interface to a computer database.

Procedures and Responsibilities.

Questions concerning titles and final disposition of records series should be referred to the Records Manager, who is the health science center's designated records management officer. Questions concerning legal requirements for the retention and disposition of health science center records series should be referred to the General Counsel.

Procedure / Duty

Responsible Party

Department head

1. A state record may be destroyed by a state agency if:
 - A. the record appears on the records retention schedule approved under Section 441.185 and the record's retention period has expired;
 - B. a Records Disposal and Disposal Inventory form must be completed and signed by the manager of the appropriate business operation. It is the manager's responsibility to review all records for compliance with the retention schedule before certifying by signature. This person must have signature authority for the department. The records disposal form and inventory must be sent to the Records Manager who will review for approval. Record series that require additional review will undergo a review by the Audit Department and General Council prior to destruction.
 - C. Records Management must submit a RMD 102 to the state records administrator and approved by the director and librarian, or the designee of the director of the librarian, for a state record that does not appear on the approved records retention schedule.
 - D. a state record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other actions involving the record is initiated before the expiration of the retention record set by the commission or in the approved records

retention schedule of the agency until the completion of the action and the resolution of all issues that arise from the action, or until the expiration of the retention period, whichever is later.

2. Records containing sensitive or confidential information must be disposed of in a manner that ensures protection (13 TAC §6.8). These records must also be stored in a secured location until final disposition. All records containing confidential information must be shredded or sent to Records Management for proper destruction. The recycle bins and trash bins are not to be used for this type of information. Failure to comply is a violation of this policy, state regulations, and federal regulations. Records that are classified as a “state record” must be destroyed in accordance with the retention schedule. These records should be sent to Records Management for disposition. A “Records Disposal Form” and “Records Disposition Inventory” must be completed and submitted to Records Management before the “official record” is destroyed. Upon approval, the records will be destroyed and a copy of the certificate of destruction with the Records Disposal Form and Records Disposition Inventory will be sent to the originating office. Maintaining documentation of records disposal complies with administrative rules for state record keeping (13 TAC §6.8). Department head
3. “Convenience copies” are extra copies of records in addition to the ‘official” records contained elsewhere. Convenience copies of records maintained as reading, convenience, tickler, and identical copies maintained with the “official” record are non records if they are maintained only for reference and convenience, and do not contain additional information. General disposal methods may be used for disposing of records of convenience copies not containing confidential or sensitive information. Convenience copies containing confidential or sensitive information must be disposed of in a manner that ensures protection. The convenience copies must also be stored in a secured location until final disposition. Convenience copies must be shredded or sent to Records Management for proper destruction. All convenience copies must be destroyed before, or at the time the official record is destroyed. These copies may not be kept after the “official” record is destroyed according to the retention schedule. Department head

4. "In-Active records" should be transferred to Records Management for off-site storage to live out their retention life reducing unnecessary costs. Records must be separated and boxed by department personnel according to record series title and like retention period. A Records Transmittal and Records Transmittal Inventory Form must be completed and sent to Records Management for approval. Upon approval, the records will be barcoded at box and/or file level and entered into the Records Management software for managing records.

Department head

5. For some records, destruction is not appropriate because there is an ongoing need for the information as historic documentation. The ultimate disposition for these records is archival preservation as identified in the records retention schedule. Records identified as "archival" will be reviewed by the Library. "Vital records" are those records essential to the resumption of business or operations, recreation of an agency's financial or legal position, and the protection of employee and citizen rights. Vital records have been marked with an (X) in the retention schedule. Texas Government Code §441.183 requires each agency head to identify and take adequate steps to protect confidential and vital state records as part of its records management program. It is the responsibility of the department directors, chairs, or other upper management official with vital records to assure that these records are protected through some type of records protection program. Records Management must be contacted to assist management in developing a protection program.

Department head

6. A "state publication" is defined as information in any format that is produced by the authority of or at the total or partial expense of a state agency or is required to be distributed under law by the agency, and is publicly distributed. These records should be sent to the health science center contact for the Depository Program who is responsible for ensuring that the Texas State Library receives all qualified HSC publications. State publications not specifically exempt from the program must be deposited with the State Library in the following number of copies based upon the number of copies produced or the medium in which it is made available:

Department head

Format	Number of copies produced	Number of copies deposited
Print	300 or more	55
Print	Fewer than 300	4

Electronic format only, must be provided on electronic external storage devices, such but not by the Internet, as diskettes or CD-ROMS.

Electronic format only, must meet state requirements for Internet availability and by Internet connection accessibility by the State Library.

*Special requirements for print publications (13 TAC 3.4):

References and Cross-references.

Federal Requirements

Gramm-Leach-Bliley Act (A "Non-Bank" Application Of The GLBA – Universities)

Health Insurance Portability Accountability Act – HIPAA

Standard: Sarbanes Oxley, Section 802 Criminal Penalties for Altering Documents, Section 1102 Tampering with a Record or Otherwise Impeding an Official Proceeding

Forms and Tools. (optional)

Related Documents

Records Management Manual

* Records Management Policies

* Records Management Procedures

* UNT Health Science Center Records Retention Schedule

Records Management Division Procedures Manual

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