



Office of the Lieutenant Governor

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division

Approved by the State Libraries, Archives, and Records Commission



Kentucky Department for Libraries and Archives

This records retention schedule governs retention and disposal of records created, used, and maintained by this agency. **Government records in Kentucky can only be disposed of with the approval of the State Libraries, Archives, and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by agency personnel and Archives and Records Management Division staff and reviewed and approved by the Commission. This schedule provides the legal authority for this agency to destroy the records listed, after the appropriate retention periods have passed.

Agency personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used, and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for this agency.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings, or open records matters. These records must be retained at least until all legal or investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an

agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used, and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

Office of the Lieutenant Governor

The second, third, and present Kentucky constitutions have provided for a Lieutenant Governor, elected by popular vote for a term of four years. From 1799 to 1992 the Constitution of Kentucky prohibited the Lieutenant Governor, as it did the Governor, from serving two consecutive terms. However, ratification of a 1992 amendment requires the Governor and Lieutenant Governor to run jointly as a slate beginning with the 1995 election and authorizes them to run for re-election for a second consecutive term (Sec. 70 and 82, Const.).

Prior to the 1992 amendment, the constitutional duties of the Office of the Lieutenant Governor were to preside as President of the Senate (Sec. 83, Const.) and to act as Governor (Sec. 84, Const.) when the Governor is absent from the state, resigns, dies in office, is impeached, or for any other reason is unable to discharge the duties of the office of Governor. The 1992 amendment repealed Section 83, which removed the Lieutenant Governor's duty to preside as President of the Senate. The amendment also changed Section 84 so that the Lieutenant Governor no longer assumes the power of Governor while the Governor is absent from the state. Section 84 as amended provides that if the Governor is impeached and removed from office, dies, refuses to qualify, resigns, certifies that he or she is unable to discharge his or her duties, or is unable to discharge the duties of the office, the Lieutenant Governor shall exercise the power and authority of Governor until another Governor is elected or until the Governor is able to discharge his or her duties. The Attorney General is authorized to petition the Supreme Court of Kentucky to have the Governor declared disabled if the Governor is unable to discharge his or her duties due to physical or mental incapacitation. If the Supreme Court certifies such disability, the Lieutenant Governor shall assume the duties of the Governor.

STATE ARCHIVES AND RECORDS COMMISSION
DIVISION OF ARCHIVES AND RECORDS MANAGEMENT
DEPARTMENT OF LIBRARY AND ARCHIVES
COMMONWEALTH OF KENTUCKY

RETENTION AND DISPOSAL SCHEDULE NUMBER III

Date Approved DEC 19 1980
by Commission

Schedule for:

LIEUTENANT GOVERNOR'S OFFICE
State Agency

Unit

APPROVALS
FOR STATE AGENCY

1. Maureen Legal Collins
Agency Head and Title
2. Robert H. Stewart
Agency Records Officer
3. Lewis J. Bellard
Division of Archives and Records Management
State Archivist and Records Administrator
4. James A. Wilson
Archives and Records Commission Chairman

WE THE UNDERSIGNED OR THE AGENTS THEREOF HAVE EXAMINED THE RECORD ITEMS BELOW AND RECOMMEND
THE DISPOSITION AS SHOWN

Robert Nichols
Records Analyst

Larry B. Foster
Assistant State Records Administrator

Jeffrey Michael Duff
Assistant State Archivist

THE DETERMINATION AS SET FORTH BELOW MEETS WITH MY APPROVAL

Paul Dyer and R. Carter 12-17-80
Auditor Public Accounts Approval Date

Attorney General

Approval Date

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Lieutenant Governor, Office of the

Record Group
Number

Records Title		
Series	and Description	Function and Use
3	Scrap Books/Clippings Files	This series represents scrapbooks or sets of materials relating to the activities of the Lieutenant Governor and other significant events in Kentucky. These are assembled by staff in the Lieutenant Governor's Office.
	Access Restrictions	None
	Contents	
	Retention and Disposition	Scheduling and procedures for transfer to the State Archives to be worked out between transition team and Archives
4	Notebook of Kentucky Colonels	This series documents Kentucky Colonels, arranged by county, for selected years. It was assembled by staff in the Lieutenant Governor's Office.
	Access Restrictions	None
	Contents	
	Retention and Disposition	Transfer to the State Archives at end of term