



Board of Claims

Records Retention Schedule

Prepared by the State Records Branch
Public Records Division

Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Board of Claims. **Government records in Kentucky can only be disposed of with the approval of the State 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 Board of Claims personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Board of Claims to destroy the records listed, after the appropriate retention periods have passed.

Board of Claims 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 the Board of Claims.

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.

This retention schedule covers the content of records created by the Board of Claims, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

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.

Board of Claims

The Board of Claims was created in 1946 by Kentucky Acts Chapter 189, Sections 1 and 3, paragraph 1. The mission of the Board of Claims is to ensure an impartial and fair review of all claims filed by citizens who allege personal injury or property damage through the negligence on the part of the Commonwealth of Kentucky agencies and departments. The Board is governed by KRS Chapter 44 and KAR Title 108.

Claims are divided into two categories: For claims under \$1,000.00, an investigation is conducted by a Board of Claims investigator. If the investigator determines the state agency was negligent for the claimant's damages, loss, or injury, an award may be made in an amount the claimant cannot recover through any other source. If the case is dismissed, the claimant may request a full Board review and the claim is considered by the full membership during its monthly meeting. The decision of the Board is final and cannot be appealed. For claims of \$1,000.00 or more, when the state agency denies negligence, a hearing officer conducts a hearing in the county where the incident occurred. A hearing officer makes a recommendation to the Board and any claim denied by the Board may be appealed to the Circuit Court of the county where the hearing was held.

RECORDS RETENTION SCHEDULE

Signature Page

Board of Claims
Agency

June 10, 2010
Schedule Date

Unit

Change Date

June 10, 2010
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Virginia Fedorova
Agency Head

6-15-10
Date of Approval

Agency Records Officer

6/15/10
Date of Approval

Barbara Payne
State Archivist and Records Administrator
Director, Public Records Division

6/10/2010
Date of Approval

Wayne Oubert
Chairman, State Archives and Records Commission

6/10/10
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Pam Compton
Records Analyst/Regional Administrator

06/10/2010
Date of Approval

Appraisal Archivist

6/10/10
Date of Approval

State/Local Records Branch Manager

6/10/10
Date of Approval

The determination as set forth meets with my approval.

Rod O'Beath
Auditor of Public Accounts

6/10/10
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Public Protection
Claims, Board of

Record Group
Number
0560

Series	Records Title and Description	Function and Use
00891	Case Files (Not Appealed to Circuit Court) (V)	Pursuant to KRS 44.070, the Board of Claims was created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth and its agencies and departments. The case file represents full documentation of the individual's claim and the Board's actions. The Board of Claims was created in 1976. Prior to that time such claims were heard by Workman's Compensation, Department of Labor. As of 2004, this information is kept in an electronic database.
	Access Restrictions	KRS 61.878 (1) (a) re personal information
	Contents	This file contains the following: cover sheet which details the style of case, actions taken, and claim number; notice of claim; agreed order (what agency against whom claim is filed has agreed to); orders of the Board (final and procedural); hearing notice; agency response to claim; claim form; and related correspondence.
	Retention and Disposition	Maintain database, updating as needed. Transfer paper reports to State Records Center two (2) years after final disposition and closure. Retain at State Records Center ten (10) years, destroy. Total retention is twelve (12) years.
00892	Opinions of the Full Board (V)	This record documents the final, as well as procedural, orders, opinions, decisions, of the full Board on claims filed by individuals against the Commonwealth, its agencies and departments for compensation for damages to person and/or property resulting from negligence on the part of the Commonwealth. As of 2004, this information is kept in an electronic database. Also, paper copies are put in expandable files before being transferred to the Archives.
	Access Restrictions	KRS 61.878 (1) (a) re personal information
	Contents	Contains claimant's, claim number, disposition and amount of award. Also shows cases that have been dismissed or denied.
	Retention and Disposition	Maintain permanently in database, updating as needed. Retain paper reports in Agency for two (2) years after all appeals have exhausted, then transfer to State Records Center for ten (10) years; destroy. Total retention is twelve (12) years.
00893	Agendas for Board Meeting	This file sets forth times, dates, and topics to be discussed when full board meets. Board meets monthly.
	Access Restrictions	None
	Contents	Information contained includes: date of meeting, location of meeting, and topics to be discussed
	Retention and Disposition	Retain in Agency permanently.
00894	Claims Log Book (V)	CLOSED SERIES - The agency no longer keeps log books. The Claims Log Book documents in summary form claims filed by individuals for recovery of damages against either person or property as a result of negligence on the part of the Commonwealth, its agencies and departments. Logs have been maintained in books, binders, and ledger forms.
	Access Restrictions	None
	Contents	The log contains the following information: claim number, amount claimant is requesting for damages; county incident occurred in; style (claimant's name and who claim is filed against); description of incident; decision of Full Board and amount awarded, if applicable, and whether or not case has been appealed and resultant decision of the court
	Retention and Disposition	Retain in Agency two (2) years after final entry; transfer to State Archives Center for permanent retention.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Public Protection
Claims, Board of

Record Group
Number
0560

Series	Records Title and Description	Function and Use
00895	Claims Card File (V)	CLOSED SERIES - As of 1990, the agency does not use this file. This file serves as the index to case files (SN 00891 and 03064). Copy of index must accompany case files transferred to the State Archives Center for permanent storage.
	Access Restrictions	None
	Contents	Cards contain claimant's name, claim number, final disposition of case and effective date of closure.
	Retention and Disposition	Copy of index must accompany case files transferred to State Archives for permanent storage.
03064	Case Files (Appealed to Circuit Court) (V)	Pursuant to KRS 44.070, the Board of Claims was created and vested with full Power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth and its agencies and departments. This file documents the circumstances of the claim filed, the disposition by the Board of Claims and appeal to the Circuit Court. Original case file is transferred to Circuit Court when there is an appeal to that body. Upon final disposition, case file in its entirety is returned to the Board of Claims. As of 2004, this information is retained permanently in an electronic database.
	Access Restrictions	KRS 61.878 (1) (a)
	Contents	This file contains the following: cover sheet which details the style of case; actions taken, and claim number; notice of claim; agreed order (what agency against whom claim is filed has agreed to); orders of the Board (final and procedural); hearing notice; agency response to claim; claim form; and related correspondence. In addition, the file contains all documentation resulting from the appeal to Circuit Court.
	Retention and Disposition	Maintain record in database, updating as needed. Retain paper records in Agency two (2) years after final disposition or closure; transfer to State Records Center for ten (10) years; total retention is twelve (12) years.

**System Title: Claims Tracking System for Board of Claims and
Crime Victims Compensation**

Alternate Title:

Series #:	Series Title:	Disposition Instructions:	Total Retention:
00891	Case Files (Not Appealed to Circuit Court)	Maintain database, updating as needed. Transfer paper reports to State Records Center two (2) years after final disposition and closure. Retain at State Records Center ten (10) years, destroy. Total retention is twelve (12) years.	
00892	Opinions of the Full Board	Maintain permanently in database, updating as needed. Retain paper reports in Agency for two (2) years after all appeals have exhausted, then transfer to State Records Center for ten (10) years; destroy. Total retention is twelve (12) years.	
00893	Agendas for Board Meeting	Retain in Agency permanently.	
00898	Case Files (Not Appealed to Circuit Court)	Maintain database, updating as needed. Retain in Agency for two (2) years after closure or final disposition; transfer paper reports to State Records Center for eight (8) years; destroy. Total retention is ten (10) years.	
00899	Opinions and Awards by Board Member and by Full Board	Maintain permanently in database, updating as needed. Retain paper reports in Agency for two years after all appeals have exhausted and transfer to State Records Center as appropriate for Case Files, Series 00899 or Series 03065.	
00900	Agendas for Board Meetings	Retain permanently in Agency.	
03064	Case Files (Appealed to Circuit Court)	Maintain record in database, updating as needed. Retain paper records in Agency two (2) years after final disposition or closure; transfer to State Records Center for ten (10) years; total retention is twelve (12) years.	
03065	Case Files (Appealed to Circuit Court)	Maintain permanently in database, updating as needed. Retain the paper record of case file for two (2) years after final disposition; transfer paper records to State Records Center for ten (10) years; destroy.. Total retention is twelve (12) years.	