



Crime Victims Compensation Board

Records Retention Schedule

Prepared by the State Records Branch
Public Records Division

Approved by the State 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 the Crime Victims Compensation Board. **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 Crime Victims Compensation Board personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Crime Victims Compensation Board to destroy the records listed, after the appropriate retention periods have passed.

Crime Victims Compensation Board 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 Crime Victims Compensation Board.

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 Crime Victims Compensation Board, 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.

Crime Victims Compensation Board

The Crime Victims Compensation Board was enacted in 1974 and created in 1976 by the General Assembly, 1976 Acts, Chapter 263, Section 2. The mission of the Crime Victims Compensation Board is to ensure an impartial and fair review of all claims, compensating victims of criminally injurious conduct for financial losses incurred due to the physical and psychological injury or death resulting from a violent crime.

The Crime Victims Compensation Board is governed by KRS Chapter 346 and KAR Title 107.

RECORDS RETENTION SCHEDULE

Signature Page

Crime Victims Compensation Board
Agency

June 9, 2016
Schedule Date

Unit

Change Date

June 9, 2016
Date Approved By Commission

APPROVALS

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

Virginia Government
Agency Head

5-24-2016
Date of Approval

Agency Records Officer

5/24/16
Date of Approval

State Archivist and Records Administrator
Director, Public Records Division

6/9/16
Date of Approval

Chairman, State Archives and Records Commission

Date of Approval

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

Records Analyst/Regional Administrator

6/9/2016
Date of Approval

Appraisal Archivist

6/9/2016
Date of Approval

State/Local Records Branch Manager

6/9/2016
Date of Approval

The determination as set forth meets with my approval.

Auditor of Public Accounts

6/9/16
Date of Approval

Handwritten signature/initials

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Public Protection
Crime Victims Compensation Board

Record Group
Number
0670

Series	Records Title and Description	Function and Use
00898	Case Files (Not Appealed to Circuit Court) (V) Access Restrictions Contents Retention and Disposition	This series documents claims filed by innocent, needy victims of violent crimes to recover medical/funeral expenses and lost wages or loss of support as a result of the crime pursuant to KRS 346.010. It also documents the recommendation of the board member who initially reviews on the claim and the final order of the Full Board. KRS 61.878 (1)(a) regarding personal information, KRS 346.160; agency has responsibility to consult Agency's Legal Department regarding protected information. Series may contain: Claim form; claimant/victim personal information; copies of medical bills; employment verification; proof of insurance; statements from county/commonwealth attorneys, if applicable, which document acquittals, convictions, and/or innocence of victim; investigation reports including the Board's and/or State Police reports; recommendation of Board member; related correspondence; and Final Order of full Board. Retain in Agency two (2) years after case closure or final disposition, transfer paper reports to State Records Center for eight (8) years, then destroy. Total retention is ten (10) years after case closure.
00901	Claims Log Book (V) Access Restrictions Contents Retention and Disposition	CLOSED RECORD - The agency no longer uses Log Books. The Claims Log Book documents the summary form claim filed by innocent, needy victims of violent crime, opinions and awards of the Board. File was created in 1976. None Claims Log Book contains claim number, claimant's name, date of crime, date claim filed, county crime took place in, sex and age of victim, disposition of claim, reason denied if applicable, and description of crime. Retain in Agency for two (2) years after final entry, then transfer to State Archives Center for permanent retention.
00902	Claims Card File (V) Access Restrictions Contents Retention and Disposition	CLOSED SERIES: The agency no longer uses this file. This file serves as an index to all case files (SN 00898 and SN 03065). From 1976 to 1979, index was maintained on 8.5x11 sheets of paper filed in three ring binders. Beginning in 1980, agency switched to 3x5 cards. Copy of index must accompany case files transferred to the State Archives for permanent retention. KRS 61.878(1)(a) personal information; KRS 346.160; agency has responsibility to consult Agency's Legal Department regarding protected information. Cards contain claimant's/victim's personal information, claim number, disposition of case and effective date of closure. Copy of index must accompany case files when transferred to the State Archives for permanent retention.
03065	Case Files (Appealed to Circuit Court) (V) Access Restrictions Contents Retention and Disposition	This file documents the cases appealed to Circuit Court on claims filed by innocent, needy victims of violent crimes to recover medical/funeral expenses and lost wages or loss of support as a result of the crime. Upon appeal, case in original form is sent to the Circuit Court and returned to Crime Victims Compensation Board upon final disposition. KRS 61.878 (1) (a) re personal information; KRS 346.160; agency has responsibility to consult agency Legal Department regarding protected information. Series may contain: Claim application; personal claimant/victim information; medical documentation; claim investigation documentation; law enforcement, prosecution/court documentation; recommended and final orders of the Board; Appeal to Circuit Court documentation Retain electronic files in Agency permanently. Retain paper records in Agency until two (2) years from date of final disposition. Transfer paper records to State Records Center for an additional ten (10) years, then destroy.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Public Protection
Crime Victims Compensation Board

Record Group
Number
0670

Series	Records Title and Description	Function and Use
06335	Recovery Files (V)	This series documents the restitution and subrogation process of award payments resulting from the financial debt incurred by innocent victims of crime as determined by Crime Victims Compensation Board, pursuant to KRS 346.010 and 216B.400. Payment of any award becomes a debt owed to the State. If an award recipient receives any monetary reclamation related to the crime, the Crime Victims Compensation Board has a right to collect amounts, including court-ordered restitution and awards from civil suits, up to the total amount paid for the claim, per KRS 346.170.
	Access Restrictions	KRS 61.878 (1)(a) Personal information of crime victim or offender; agency has responsibility to consult Agency's Legal Department regarding protected information.
	Contents	Series may contain: Copies of the Final Order; police report which may include the Social Security Number and date of birth of offender; Restitution Order or Sentencing/Judgment Order; copies of payment receipts; printed payment reports; civil court documents related to a civil case against an offender; and correspondence.
	Retention and Disposition	Paper files relating to restitution, subrogation (repayment through a settlement or insurance) and donations (mandatory contributions ordered by the Parole Board or Court) will be retained in agency one (1) year following case closure; electronic records will be retained twenty-five (25) years; information regarding the award amount and crime with non-personal data will be held permanently for statistical purposes.

Electronic System With Included Records Series

Public Protection Cabinet

Board of Claims & Crime Victims Compensation

System Description: The Claims Tracking System for Board of Claims and Crime Victims Compensation Board is tabular database used by staff to enter the claims information and track the progress of the claims through the compensation process.

Staff use the system to complete their actions and then refer it on to the next step from entry of the claim through completion of the compensation. Various statuses are used to track the progress.

System Contents: Tabbed information contained in the system is overview of the claim, detailed information, status, suspense information, Related information, Letters and Orders, Activity Log, Appeals and Reimbursement/Payments.

Data consists of claim number, claimant information, victim information, type of crime, crime code, status, county, various dates (date received, date of crime, suspense date, agenda date, final order date, meeting dates), investigator information, board member and meeting information, reasons, original file location, copy file location, decision description, final order amount, related claims, claim style, agenda type, and expense type. Payment Received information includes id number, payer name, payment type, reference number, receipt number, offender number, parole officer name, amount of payment received, amount scheduled and frequency.

Each user has a workbasket to manage their workload.

Input comes from the Crime Victims Compensation Application which is available in electronic format through the Kentucky Crime Victims Compensation Board website.

General Schedule Items:

<i>System Title:</i>	Claims Tracking System for Board of Claims and Crime Victims Compensation	<i>Alternate Title:</i>	
<i>Series #:</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>	
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.	

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

Alternate Title:

Series #:	Series Title:	Disposition Instructions:
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)	Retain in Agency two (2) years after case closure or final disposition, transfer paper reports to State Records Center for eight (8) years, then destroy. Total retention is ten (10) years after case closure.
00899	Opinions and Awards by Board Member and by Full Board	Retain in Agency two (2) years after all appeals have exhausted, transfer to State Records Center to be included in Series 00899 or Series 03065, as applicable, for permanent retention.
00900	Agendas for Board Meetings	Retain in Agency permanently.
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)	Retain electronic files in Agency permanently. Retain paper records in Agency until two (2) years from date of final disposition. Transfer paper records to State Records Center for an additional ten (10) years, then destroy.