



Commission on the Deaf and Hard-of-Hearing

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 Commission on the Deaf and Hard of Hearing. **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 Commission on the Deaf and Hard of Hearing personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Commission on the Deaf and Hard of Hearing to destroy the records listed, after the appropriate retention periods have passed.

Commission on the Deaf and Hard of Hearing 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 Commission on the Deaf and Hard of Hearing.

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 Commission on the Deaf and Hard of Hearing, 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 represent 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.

Commission for the Deaf and Hard of Hearing

The Commission for the Deaf and Hearing Impaired was established in 1982. in accordance with KRS 163.500-163.520 and, in 1994, was renamed the Commission for the Deaf and Hard of Hearing.

The Commission consists of fourteen members. Seven members are appointed by the Governor. Members who are not state officials serve for a term of three years. The Commission serves in an advisory capacity to the Governor and the General Assembly concerning policy and programs to enhance the quality and coordination of services for the deaf and hearing impaired in both the public and private sectors. Additionally, the Commission oversees the provision of interpreter services to the deaf and hearing impaired. The Commission also identifies and surveys public and private agencies that provide necessary, as well as compiling needs assessment surveys and a census of the deaf and hearing impaired population.

RECORDS RETENTION SCHEDULE

Signature Page

Commission on the Deaf & Hard of Hearing

September 8, 2005

Agency

Schedule Date

Unit

September 8, 2005

Change Date

September 8, 2005

Date Approved by Commission

APPROVALS

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

Robbie Beth Staggins
Agency Head

9-8-05

Date of Approval

Andrea Howard
Agency Records Officer

9-8-05

Date of Approval

Richard Lee
State Archivist and Records Administrator
Director, Public Records Division

9-8-05

Date of Approval

[Signature]
Chairman, State Archives and Records Commission

9/08/05

Date of Approval

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

[Signature]
Records Analyst/Regional Administrator

9/8/05

Date of Approval

[Signature]
Appraisal Archivist

9/8/05

Date of Approval

[Signature]
State/Local Records Branch Manager

9/8/05

Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

9/8/05

Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Education and Workforce Development Cabinet
Deaf and Hard of Hearing, Commission on the

Record Group
Number
0675

Series	Records Title and Description	Function and Use
05432	Telecommunication Distribution for the Deaf Program Client File (V)	This series documents the program that allows deaf, hard of hearing or speech impaired individuals to apply for a telephone specially suited to their needs. The client provides a professional's (e.g., doctor, audiologist) documentation of hearing loss. Applicants submit a completed application with a copy of their telephone bill and a copy of some form of identification. An applicant must have a land line. A resident of an assisted living facility must have a phone in his/her room. Once the application is approved or denied, the client is assigned a date based on request of information. It usually takes thirty (30) days after approval for the client to receive equipment, but can take up to sixty (60) days. Vendors send equipment directly to the client, though financial transactions take place through DHH. Clients may reapply after four (4) years for new equipment or a change in technology. The warranty is good on equipment for four (4) years, so that the company will replace equipment if it malfunctions within that time frame. DHH maintains a database of clients containing names, dates and equipment received by client.
	Access Restrictions	KRS 61.878 (1)(a) Personal Information
	Contents	Series may contain: Original application, proof of identification, telephone bill, physician's statement, purchase order, invoice, copy of check, correspondence.
	Retention and Disposition	Retain for eight (8) years.
05433	Interpreter Reference Services -- Interpreter File (V)	This series documents the administration of interpreter services. KRS 163.510(4) requires the commission to oversee the provision of interpreter services to the deaf and hard of hearing. In accordance with the requirements of the Rehabilitation Act (29 USC 794) and the Americans with Disabilities Act (42 USC 12132), KCDHH Interpreter Services shall be provided to a state agency if: (a) those services are necessary to receive public service by an individual who is deaf or hard of hearing; (b) those services are requested by a state agency employee who is deaf or hard of hearing; © those services are required under a provision of the Acts; or (d) those services are necessary to provide accessibility to a public event. The state agency requests an interpreter through DHH. DHH's responsibility is limited to finding a match and connecting the agency with the interpreter. The exception is some sort of dispute (e.g., non-payment or a complaint on the part of the consumer or deaf person), in which case the commission must investigate according to 735 KAR 2:060. Interpreters are certified at the national level through the Registry of Interpreters for the Deaf (RID) or the National Association of the Deaf (NAD) and at the state level through Occupations and Professions. Interpreters must provide a copy of their National Licensure from either NAD or RID, and are not used for assignments unless the commission has a current copy of their license. They must also provide a copy of their Kentucky state license and commission staff check the Occupations and Professions Licensure page to verify the license is current and ensure the Interpreter does not have any disciplinary actions pending against them. These files document the interpreter's certification, current areas of specialty, and contact information.
	Access Restrictions	KRS 61.878 (1)(a) Personal Information
	Contents	Series may contain: Evidence of certification (State and National); complaints, contact information, and specialties. May contain financial information.
	Retention and Disposition	Destroy three (3) years after file becomes inactive.