



Office of Creative Services

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 Creative Services

The Office of Creative Services is an agency in the Tourism, Arts and Heritage Cabinet and is governed by KRS 148.522. The agency was created in 1984. An Executive Director is appointed by the Secretary of the Cabinet.

The Office of Creative Services specializes in video production, photography, graphic design and sound services for state agencies. It is partially funded by General Funds, but derives a significant portion of its funding from fees collected for work performed. The agency is divided into four sections: Photography, Video, Graphic Design and Sound.

RECORDS RETENTION SCHEDULE

Signature Page

Office of Creative Services
Agency

December 12, 2013
Schedule Date

Unit

Change Date

December 12, 2013
Date Approved By Commission

APPROVALS

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

[Signature]
Agency Head

10/25/13
Date of Approval

[Signature]
Agency Records Officer

10-25-2013
Date of Approval

[Signature]
State Archivist and Records Administrator
Director, Public Records Division

12/5/13
Date of Approval

[Signature]
Chairman, State Archives and Records Commission

12/12/13
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

12-04-2013
Date of Approval

[Signature]
Appraisal Archivist

12/4/2013
Date of Approval

[Signature]
State/Local Records Branch Manager

12/4/13
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

12-12-13
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Tourism, Arts and Heritage Cabinet
Creative Services, Office of

Record Group
Number
2748C

Records Title Series and Description	Function and Use
03808 Photography File (V) Access Restrictions Contents Retention and Disposition	<p>This series documents photos capturing the function and activities of State Government agencies by the Photography Section. The digital images and/or photos requested by an agency are then processed and edited. The digital images/photos produced by Creative Services are used in press releases, and/or publications and deemed as the official portraits in state offices.</p> <p>None</p> <p>Series contains: Digital images, photographs, name of agency, date and event name.</p> <p>Retain in Agency until no longer useful, then transfer to State Archives Center for permanent retention.</p>
03809 Event Reports Access Restrictions Contents Retention and Disposition	<p>This series documents work requests and orders completed by Creative Services. It is used as reference for information on previous jobs and whether or not payment has been received.</p> <p>None</p> <p>Series may contain: Agency/individual name; description and date of work; cost; interaccount number; date and payment received; outstanding balance; and remarks.</p> <p>Retain in Agency five (5) years, then destroy after audit.</p>
03934 Original Art Work File Access Restrictions Contents Retention and Disposition	<p>This series documents art work done by the Graphic Section of Creative Services requested by an agency for posters, brochures, advertising, stationary, logos, charts, graphs, signage, or other items. The original art work is filed and maintained by Creative Services in the event of loss or damage to the agency's copy. The Graphics Section also uses the file as an information and resource file to stimulate design ideas for work in progress.</p> <p>None</p> <p>Series contains: Digital art work and finished sketches.</p> <p>Retain in Agency until no longer useful, then transfer to State Archives Center for permanent retention.</p>
03935 Audio/Video Recordings (V) Access Restrictions Contents Retention and Disposition	<p>This series documents the function and activities of the Governor of Kentucky in an audio/visual medium. A Creative Services videographer may be assigned to record a public appearance by the governor, or any event of which the Governor's Office requests coverage. The video may be retained by Creative Services. However, all edited audio/video recordings are transferred to the Governor's Office as the official custodian of these records. The Audio Visual Section also produces work for other agencies and the requesting "client" agency is the official custodian of the finished product. The Office of Creative Services retains master backups of recordings created for the Governor's Office in case the need arises to update or revise the production.</p> <p>None</p> <p>Series contains: Video recordings of the activities of the Governor of Kentucky, including speeches, press conferences, and personal appearances; commercials, public service announcements; promotional and training videos for agencies on a "work for hire" basis.</p> <p>Retain in Agency up to four (4) years; transfer to the State Archives Center at the end of each administration for permanent retention. NOTE: Recordings may be transferred during the administration, if necessary.</p>