



Cabinet for Economic Development

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.

Cabinet for Economic Development

In 1956, the Department of Economic Development was created as the successor to the Agricultural and Industrial Development Board, which was created in 1948. In 1962, the Department was renamed the Department of Commerce. The Department was placed under the newly created Development Cabinet by Executive Order 72-1167, issued on December 22, 1972. Also included within the Cabinet were the Departments of Agriculture, Fish and Wildlife, and Parks, as well as the State Fair Board and the Bicentennial Commission. In 1982, the Development Cabinet became the Commerce Cabinet, which was renamed in 1988 as the Cabinet for Economic Development. The Cabinet formerly included the Department of the Arts, the Tobacco Research Board, and the Kentucky Geological Survey. An Executive Order transferred the Tobacco Research Board and the Kentucky Geological Survey to the University of Kentucky. The Department of the Arts was abolished by Executive Order 90-727, which was issued on August 7, 1990. Its divisions were transferred to other areas of state government. In 1992, the Kentucky Economic Development Partnership was created as a board to govern the Cabinet, and the Kentucky Economic Development Finance Authority replaced the Kentucky Development Finance Authority and the Kentucky Rural Economic Development Authority.

The Cabinet for Economic Development is the primary state agency in Kentucky responsible for creating new jobs and investment in the state. Programs administered by the Cabinet are designed to support and promote economic development within the state, primarily by attracting new industries, assisting in the development of existing industries, and assisting communities in preparing for economic development opportunities. Currently, the Cabinet consists of the Office of the Secretary, the Department for Business Development, the Office of Financial Services and the Office of Legal Services. The Department for Business Development consists of the Office of Research and Public Affairs, and the Office of Entrepreneurship.

RECORDS RETENTION SCHEDULE

Signature Page

Cabinet for Economic Development

October 1, 1975

Agency

Schedule Date

March 9, 2023

Unit

Change Date

March 9, 2023

Date Approved By Commission

APPROVALS

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

DocuSigned by:

 628FE4ABE980422...
 Agency Head 3/8/2023
 Date of Approval

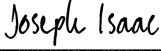
DocuSigned by:

 250393C72D454C4...
 Agency Records Officer 3/7/2023
 Date of Approval

DocuSigned by:

 15FB049431A74FF...
 State Archivist and Chairman, State
 Libraries, Archives, and Records
 Commission 3/10/2023
 Date of Approval


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

DocuSigned by:

 05AD74EB11A0474...
 Records Analyst/Regional Administrator 3/7/2023
 Date of Approval


 767A3F5C540E417...
 Appraisal Archivist 3/3/2023
 Date of Approval


 F25FB2B0E6434BA...
 State/Local Records Branch Manager 3/3/2023
 Date of Approval

The determination as set forth meets with my approval.

DocuSigned by:

 B0957BB509E3413...
 Auditor of Public Accounts on behalf of State Auditor 3/13/2023
 Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Economic Development, Cabinet for
 Business Development, Department for

Record Group
Number
737

Series	Records Title and Description	Function and Use
01223	Site/Building Evaluation Files	This series documents the Site Evaluation and Building program which provides marketable land and buildings to potential industrial and related clients interested in moving or expanding their manufacturing and related activities to Kentucky. The Site Evaluation Branch works with local industrial developers, realtor and individual property owners, to develop marketing materials, including site and building maps, aerial photography, engineering reports, datasheets and web site documents. The Site Evaluation Branch as part of the Business Development Division will also coordinate site and building responses to requests for Information (RFI) and related materials.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Site and building visitation forms, comments, reports, maps, charts, aerial photographs, GIS information, evaluations, related documents and related correspondence.
	Retention and Disposition	Retain permanently.
03314	Located Prospect Company File	This series is created from the Active Prospect company File (01218). These are companies that have been located by agents of the Economic Development Cabinet who have completed the project synopsis. These are each approved by the Director of Industrial Development. Agents include in this folder information (i.e. tax, environmental, utility) that helps make Kentucky an attractive place for them to locate a business. This file would most likely contain the announcement or press release that this business will locate in Kentucky. Possibly an incentive could be promised on a long term agreement, i.e., tax related or loan related that would make this file crucial for few years. Some of the areas that agents review when a company has chosen to locate and operate within the Commonwealth relates to the nature of the enterprise, its financial responsibility, manpower requirements, probably consumption fo raw materials and such other information as may be useful in securing the industry operation.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Specifications of site for company; utilities information; environmental information; tax comparisons; Kentucky Developmental Finance Authority (KDFA) loan application; correspondence; press releases
	Retention and Disposition	Retain for five (5) years. Transfer to State Archives Center for Permanent retention.

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Economic Development, Cabinet for
Business Development, Department for

**Record Group
Number
737**

Series	Records Title and Description	Function and Use
04617	Floodplain Stream Profiles	<p>CLOSED SERIES: This series documented maps of rivers relevant to Kentucky. The maps were used to determine past floods and predict future floods, as well as provide information for navigation and agricultural analysis. The series included analyses on the soil permeability of water, and basic soil characteristics around the rivers including clay, sand, mud, and rock levels. These analyses were included on the maps, in the form of insets called "Borings". Engineers would delve into the soil to determine these levels. Also included is specific elevation for all points of the body of water, on both banks, and information about locks and dams (length, width, etc.). These maps, at least the older ones, have the lands plotted on each side of the body of water with the owners names listed. For example, the maps of the Ohio River from 1911 to 1914, have the landowners (river front property) names from the Kentucky side of the river. This is valuable information - and the later maps do not have this, probably because of the difficulty in obtaining and maintaining this information. These stream profiles can be very useful in determining property ownership, major uses of the land, and elevation points for the period documented. The maps were created by the U.S. Corps of Engineers, but it is not known whether additional copies exist.</p>
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Includes the following stream profiles: Ohio River Charts of Locks and Dams (85 sheets, 1911-1914), Ohio River Basin Reservoir Maps (31 sheets, 1964), Big Sandy River (Tug and Levisa Forks)(124 sheets, 1942-1944), Cumberland River Watershed (Celina Reservoir)(31 sheets, 1953), Mississippi River (Levee & Photocharts)(33 sheets, 1948-1949), Kentucky Geological Survey (1 sheet, 1930), and Green River and Tributaries (23 sheets, 1930)
	Retention and Disposition	All Media Types Copy: Transfer to the State Archives and retain permanently.

STATE AGENCY RECORDS RETENTION SCHEDULE

Economic Development, Cabinet for
Financial Services, Department for

Record Group
Number
737

Series	Records Title and Description	Function and Use
01312	KY Economic Development Finance Authority Project Files (V)	This series documents project files under incentive programs governed by the Kentucky Economic Development Finance Authority (KEDFA) pursuant to KRS Chapter 154.
	Access Restrictions	KRS 61.878 (1)(c) - Confidential and Exempted Information. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Applications for incentives including attachments and related supporting documents, correspondence, internal analysis, agreements, resolutions, compliance and monitoring files, and other documents and correspondence related to economic development projects and the approval of such projects.
	Retention and Disposition	Upon completion of project, repayment of loan and audit, transfer to the State Archives Center for Permanent retention.
04526	Enterprise Zone Program File (V)	CLOSED SERIES: (KRS 154.45-001 to 154.45-120 repealed in 2005 and 2008.) This series documented the approval and participation of businesses in the Enterprise Zone (EZ) program. The program was established to revitalize economically depressed areas of the state with some areas being inner-city, some being rural. Goals and intentions of the program included improving the quality of life for individuals residing within the EZ by providing job training, employment opportunities, and neighborhood improvement programs; encouraged economic activity by assisting and maintaining existing business; stimulated the influx of new business; and, eliminated blighted and deteriorated areas that feature chronic abandonment or demolition of residential or commercial structures or property. The program provided for tax exemptions for certified businesses approved by the Enterprise Zone Authority pursuant to KRS 154.45-001 to 154.45-090. The exemptions were only for those businesses within the set enterprise zone or zone boundary. There were a total of ten zones. The zones were approved for a twenty-year period. If a business moved from the zone, went out of business, was acquired by another that did not participate in the program, or was out of compliance for one reason or another, it was de-certified, at least until the appropriate steps were taken in order to continue in the program. The application was completed by act of the local legislative body, or possibly, jointly by two or more local government agencies.
	Access Restrictions	KRS 61.878 (1)(c) - Confidentially Disclosed Information. Agencies should consult legal counsel regarding open records matters.
	Contents	Application; Employee Data Sheet (with SS#, names, addresses, unemployment dates--90 days prior to hire, part/full time employee, if he/she is a resident of the Enterprise Zone); Certification; Correspondence; Monitoring of contract
	Retention and Disposition	Transfer to the State Archives Center one (1) year after de-certification for Permanent retention.
05769	Bluegrass State Skills Projects Master Folder (V)	This series documents the application process for either a Skills Training Investment Credit or a Grant-in-Aid and the disbursement of funds or tax credits received by approved companies. The Bluegrass State Skills Corporation (BSSC) (KRS154.12-205) basic purpose is to improve and promote employment opportunities for the residents of the Commonwealth. These programs provide reimbursement dollars or tax credits to business and industry for specific training activities. For consideration a company must complete and submit an application and receive approval from the BSSC Board of Directors.
	Access Restrictions	KRS 61.878 (1)(c) - Confidentially Disclosed Information. Agencies should consult legal counsel regarding open records matters.
	Contents	This series contains: Application, signed agreement, disclosure statements, letter of approval, reimbursement request documentation, reimbursement documentation, employee lists, closeout information, payment documentation and related correspondence.
	Retention and Disposition	Retain for two (2) years. Transfer to State Archives Center for Permanent retention.

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Economic Development, Cabinet for
Financial Services, Department for

**Record Group
Number
737**

Series	Records Title and Description	Function and Use
06124	Kentucky Procurement Assistance Program (KPAP) Files	<p>CLOSED SERIES (09/01/2014): This program is now completely administered by University of Kentucky Small Business Development Center, Kentucky Procurement Technical Assistance Center (PTAC) This series documented the Kentucky Procurement Assistance Program (KPAP) (KRS 154.12-223(2)(a)(2)). KPAP was a free business assistance program of the Kentucky Cabinet for Economic Development. The primary purpose of KPAP was to help Kentucky firms market their goods and services to federal, state and local government agencies. KPAP was funded by the Kentucky Cabinet for Economic Development and the U.S. Department of Defense.</p> <p>KPAP offered the following services: Marketing, Consulting and training.</p>
	Access Restrictions	KRS 61.878 (1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters..
	Contents	Series may contain: Program goals, counseling provided, demographics of clients, contracts awarded, client contact information, types of products and services offered by clients, payroll vouchers, training documentation, reimbursement documentation, quarterly reports, annual summary and related documents and correspondence.
	Retention and Disposition	Retain annual summaries permanently. Transfer to the State Archives Center when administrative value has ended. Retain all other documentation in agency until three (3) years after final report is submitted, then destroy.

STATE AGENCY RECORDS RETENTION SCHEDULE

Economic Development, Cabinet for
Legal Services, Office of

Record Group
Number
737

Series	Records Title and Description	Function and Use
06618	Litigation File	This series documents the working litigation files of attorneys when the Cabinet for Economic Development (CED) is a party to a case. This series represents the working file created and maintained by CEDs attorneys during the litigation process. The official file of record is maintained in the court of jurisdiction.
	Access Restrictions	KRE 503 - attorney client privilege; CR 26.02 - work product materials. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: : Case information, pleadings, investigative information, judgment, affidavits, transcripts, legal research, notices, correspondence, briefs, discovery, research, evidence, and other documentation related to the litigation.
	Retention and Disposition	Retain in agency until after case closure and all appeals have been exhausted; transfer to State Records Center for fifteen (15) years, then destroy.
07022	Background Check Files	This series documents background checks conducted on owners and/or key decision makers of applicant companies and/or individual applicants, as may be applicable, for Kentucky Cabinet for Economic Development programs and the joint state and federal State Trade Expansion Program ("STEP"). Applicants not approved to participate in the program may elect to contest the decision or correct any outstanding issues with their application; either may result in approval.
	Access Restrictions	Agencies should consult legal counsel on matters related to open records.
	Contents	Series may include: Westlaw PeopleMap reports, Kentucky Administrative Office of the Courts reports, accumulated publicly available information, federal agency reports for owners and/or key decision makers, internal and external communications, and supporting documentation for adverse records and/or searches requiring additional due diligence.
	Retention and Disposition	Retain approved applications for twenty (20) years after date of approval by the Kentucky Cabinet for Economic Development or by the relevant board administratively attached to the Kentucky Cabinet for Economic Development, then destroy. Retain denied applications for twenty (20) years from date of submission, then destroy.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Economic Development, Cabinet for
 Business Development, Department for

Record Group
 Number
737B

Series	Records Title and Description	Function and Use
01212	Community Recommendation Card File	
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Retention and Disposition	Retain permanently.
01213	Confidential Prospect Company Code Book	
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Retention and Disposition	Retain permanently.
01215	Wood Products Development File	
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Consists of State Lumber Availability and Production Reports and Data and Correspondence
	Retention and Disposition	Retain permanently. Screen periodically for obsolete material.
01218	Active Prospect Company File	Pursuant to KRS 152.060, this department has the responsibility to assemble and keep in the office such information relating to natural resources, industrial sites, labor supply, water, fuel, power, wage rates, taxation and assessments, transportation and communication facilities and such other information as may be useful in executing the provisions of KRS 152.010 to 152.080 (duties and activities). Such information shall be made available to any enterprise which, in the discretion of the commissioner, is legitimate and which contemplates location or operation within the Commonwealth. Such information shall, in the discretion of the commissioner, be made available to any governmental or private agency interested in securing the location or operation of any such legitimate enterprise within the Commonwealth. The Active Prospect Company File (01218) is a file that is currently being worked on by project managers. The information is kept in these files until the project locates a plant in Kentucky (or another state) or cancels the project. The type of data maintained in the file would be correspondence to the company regarding Kentucky incentives, tax comparisons, loan information, environmental regulations, utility information, etc. This department is the primary industrial and commercial development agency of the Commonwealth of Kentucky in matters relating to the private sector of the states economy. The Industrial Development Division helps to carry out programs relating to industrial and commercial development, research and planning, small and minority business enterprise, etc. Monthly Activity Reports are done in-house for management on the status of work accomplished.
	Access Restrictions	KRS 61.878 (1)(c) - Confidentially Disclosed Information. Agencies should consult legal counsel regarding open records matters.
	Contents	Specifications of site recommended to company, utilities information, environmental regulations, tax comparisons, loan information, correspondence, press releases.
	Retention and Disposition	Transfer to Inactive Prospect Company File (01219) or Located Prospect Company File (03314).

STATE AGENCY RECORDS RETENTION SCHEDULE

Economic Development, Cabinet for
Business Development, Department for

Record Group
Number
737B

Series	Records Title and Description	Function and Use
01219	Inactive Prospect Company File	This series documents the industrial location of projects that were worked on by project managers or agents within the Industrial Development Division. These are records that were part of the Active Prospect Company File (01218) and whose business has decided to locate in a state other than Kentucky or has decided to cancel their project altogether. The information is retained and referenced should a business decide to renew its efforts of locating in this state. The type of data maintained in the file would be correspondence regarding Kentucky incentives, tax comparisons, loan information, environmental regulations and utility information.
	Access Restrictions	KRS 61.878 (1)(c) - Confidentially Disclosed Information. Agencies should consult legal counsel regarding open records matters.
	Contents	Specifications of site recommended to company, utilities information, environmental regulations, tax comparisons, loan information, correspondence, press releases.
	Retention and Disposition	Retain for three (3) years. Transfer to State Archives for Permanent retention.
01233	Prospective Client File	
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Contains: Requirements, Suggestions, and Information
	Retention and Disposition	Retain permanently.
01236	Project Files	
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Retention and Disposition	Transfer to appropriate agency when research is completed.
06605	Facility Update Form	This series documents updated information collected on an annual basis, from and about manufacturing, service, and technology facilities within the Commonwealth of Kentucky. The Update Form is completed by each facility or from phone and personal contact with the facility. Information from completed forms is used to populate the Cabinets database of Kentucky business and industry, the Kentucky Business and Industry Information System (KBIS).
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series contains information provided from the Update Form and may include but is not limited to: Facility name, address, location, product or service, employment, ownership, planned investments/expansions and other information.
	Retention and Disposition	Retain update form in agency for two (2) years, then destroy.

Electronic System With Included Records Series

Economic Development, Cabinet for

System Description: CED Salesforce is an online database platform for inputting, storing, and using CED project information. The system generates reports for internal use. There are no federal mandates governing the system.

System Contents: CED Salesforce was customized to include modules for Company, Contacts, Projects, Programs, and Compliance information. CED staff have role-based, password-protected access to the information.

Gen. Schedule Items: F0111

System Title: CED Salesforce

Alternate Title: Salesforce

<i>Series #</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>
01218	Active Prospect Company File	Transfer to Inactive Prospect Company File (01219) or Located Prospect Company File (03314).
01219	Inactive Prospect Company File	Retain for three (3) years. Transfer to State Archives for Permanent retention.
01312	KY Economic Development Finance Authority Project Files	Upon completion of project, repayment of loan and audit, transfer to the State Archives Center for Permanent retention.
03314	Located Prospect Company File	Retain for five (5) years. Transfer to State Archives Center for Permanent retention.
05769	Bluegrass State Skills Projects Master Folder	Retain for two (2) years. Transfer to State Archives Center for Permanent retention.
06605	Facility Update Form	Retain update form in agency for two (2) years, then destroy.
F0111	Agency Grant Project File - Federal and State	Retain eight (8) years after end of project or after audit, whichever is longer. Agencies should pay particular attention to Federal audit requirements, as these are often not met in a timely fashion by the auditing entity.

Electronic System With Included Records Series

Economic Development, Cabinet for

System Description: Select Kentucky provides for the management of information pertaining to available sites and buildings marketed by the Cabinet for business location including community demographics.

System Contents:

Gen. Schedule Items:

System Title: **Select Kentucky**

Alternate Title:

Series # ***Series Title:***

Disposition Instructions:

01223 Site/Building Evaluation Files

Retain permanently.