



Board of Engineers and Land Surveyors

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.

Board of Engineers and Land Surveyors

The Kentucky State Board of Licensure for Professional Engineers and Land Surveyors was established by an Act of the Kentucky General Assembly in 1938 to protect the public health, safety and welfare. This is accomplished through the licensing and monitoring of individuals and firms deemed qualified to practice. The Board is self-supporting and receives no general fund tax dollars.

The Board consists of nine (9) members appointed by the Governor and two (2) ex officio members. The ex officio members are the dean of the College of Engineering of the University of Kentucky and the dean of the J.B. Speed School of Engineering of the University of Louisville. The term of each member of the board is four (4) years. The Board operates under KRS 322.10 through 322.990 and 201 KAR 18.

RECORDS RETENTION SCHEDULE

Signature Page

Board of Engineers and Land Surveyors
Agency

December 8, 2011
Schedule Date

Unit

Change Date

December 8, 2011
Date Approved By Commission

APPROVALS

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

[Signature]
Agency Head

12-8-11
Date of Approval

[Signature]
Agency Records Officer

12-8-11
Date of Approval

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

12/8/11
Date of Approval

[Signature]
Chairman, State Archives and Records Commission

12/8/11
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

12/8/11
Date of Approval

[Signature]
Appraisal Archivist

12/8/11
Date of Approval

[Signature]
State/Local Records Branch Manager

12/8/11
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

12/8/11
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Engineers and Land Surveyors, Board of

Record Group
Number
1020

Series	Records Title and Description	Function and Use
01990	Master File - Engineers and Land Surveyors	This series documents state licensing and regulating of professional engineers and professional land surveyors (KRS 322.00). This series represents a complete record of a licensee over his/her entire professional career in Kentucky. Since 1938, the Kentucky Board of Engineers and Land Surveyors has been charged with licensing and regulating professional engineers and professional land surveyors in Kentucky.
	Access Restrictions	KRS 61.878(1)(a) Personal information -SSN.
	Contents	Series may contain: applications, examination cover sheets, college transcripts, examination authorization, engineer-in-training record, SSN, DOB, and related documents and correspondence.
	Retention and Disposition	Retain for fifty (50) years after non-renewal, then destroy.
01993	In-Training Applications File	This series documents the initial application and exam results for prospective engineers and land surveyors. Applicants meeting education requirements and upon passing the initial examination are designated engineers in- training or surveyors in- training. In- training designees must complete four (4) years of progressive experience and pass a second exam before full licensure may be granted (KRS 322.00).
	Access Restrictions	KRS 61.878(1)(a) Personal information - SSN.
	Contents	Series contains: Applicant name and contact information, SSN, DOB, education transcripts, related documents and related correspondence.
	Retention and Disposition	Transfer to Master Files when and where applicable. Retain passing, but not licensed applications, for fifty (50) years, then destroy. Retain failed applications for five (5) years, then destroy.
01997	Disciplinary and Enforcement Actions File	This series documents the working file for disciplinary and enforcement actions taken pursuant to KRS 322.180 and 322.190. Disciplinary actions may be pursued against licensed individuals, individuals practicing without a license and business entities. Investigations typically are initiated in response to alleged negligence and/or incompetence. Investigations may be initiated by consumer complaint or initiated by the Board's administrative offices. Board actions may be in the form of reprimand, fines, revocation, probation, suspension, etc. Board actions are also documented in the quarterly meeting minutes.
	Access Restrictions	KRS 61.878(1)(h) Investigation.
	Contents	Series may contain: Complaint, investigation material/documents, Investigation report, consent decrees, hearing documents, no-action documents and related documents and related correspondence.
	Retention and Disposition	Retain for twenty (20) years after board approved actions, then destroy.
06167	Denied Applications File	This series documents denied applications for state licensure of engineers and/or state licensure of land surveyors. The Kentucky Board of Engineers and Land Surveyors (KYBOELS) accepts applications for licensure from those who qualify for original licensure in Kentucky and from those who seek licensing by endorsement based on original licensure outside Kentucky. KYBOELS denies applications based on education deficiencies, experience deficiencies, disciplinary actions taken by other states against applicants, etc.
	Access Restrictions	KRS 61.878(1)(a) Personal information - SSN
	Contents	Series contains: Name and contact information of applicant, education and experience documentation and related documents and related correspondence.
	Retention and Disposition	Retain for five (5) years, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
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STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
 Engineers and Land Surveyors, Board of

Record Group
Number
1020

Series	Records Title and Description	Function and Use
06168	State Survey Exam File	This series documents the land surveyors exam administered by the Kentucky Board of Engineers and Land Surveyors. This is a two (2) hour examination in addition to the national examination administered by the National Council of Examiners for Engineering and Land Surveying.
	Access Restrictions	KRS 61.878(1)(a) Personal information - SSN.
	Contents	Series may contain: Score sheets, exam, name and contact information of applicant, SSN and related documents.
	Retention and Disposition	Retain for one (1) year, then destroy.
06169	Business Entity Permit File	This series documents the permitting of business entities that engage in the practice of engineering and/or land surveying. Per KRS 322.060, business entities must apply to the Kentucky Board of Engineers and Land Surveyors prior to engaging and/or advertising said services within Kentucky.
	Access Restrictions	KRS 61.878(1)(a) Personal information - Tax information.
	Contents	Series may contain: Licensee information, business name and location, tax id, permit number and related documentation and correspondence.
	Retention and Disposition	Retain for five (5) years after non-renewal, then destroy.
06170	Continuing Education Audit File	This series documents random internal auditing of licensees to ensure annual continuing education requirements have been completed per 201 KAR 18:192 and 201 KAR 18:196. Licensees must complete a specific number of continuing education hours annually to maintain licensure.
	Access Restrictions	None.
	Contents	Series contains: Continuing education verification documentation.
	Retention and Disposition	Retain for one (1) year, then destroy.
06171	Surveying Continuing Education Course Pre-Approval Files	This series documents pre-approval of continuing education courses offered and administered by an outside entity for land surveyors.
	Access Restrictions	None.
	Contents	Series contains: Course material, location, dates offered, content, presenter name.
	Retention and Disposition	Retain for three (3) years after approval, then destroy.
06172	Individual Attorney Investigation Files	This series represents individual board attorney working files regarding investigation cases brought before the Kentucky Board of Engineers and Land Surveyors against licensed engineers and surveyors. Pursuant to KRS 322.180, the Board may revoke, suspend, or refuse to issue or renew, impose probationary or supervisory conditions, issue written reprimands or admonishments, or any combination of these actions regarding any license issued under KRS 322.00.
	Access Restrictions	KRS 61.878(1)(a)(h)(i)(j)(l), Personal information; administrative investigations; preliminary drafts/recommendations; KRE 503, attorney-client privilege, work product.
	Contents	Series may contain: Interview notes, negotiated offer, initiating report, acknowledgement letter, rebuttal notice, rebuttal (if filed), probable cause order, supporting documentation (such as criminal court records), transcripts of tribunal hearings, any administrative proceedings and all official correspondence.
	Retention and Disposition	Retain for five (5) years after all litigation has ended and case is closed, then destroy.

Electronic System With Included Records Series

General Government

Board of Licensure for Professional Engineers & Land Surveyors

System Description: The Kentucky Board of Engineers and Land Surveyors Database maintains information for licensees, license applicants, and enforcement information. All information is entered by central office staff. Some information is submitted by applicants and reviewed by staff before being entered into the database. The database is required by KRS 322.300 and KRS 322.330(2).

System Contents: The Kentucky Board of Engineers and Land Surveyors Database may contain: licensee and license applicant information such as contact information, employment, birth dates, education, and exam information; disciplinary and enforcement actions; and business entity permits and supporting documentation.

General Schedule Items:

System Title: **Kentucky Board of Engineers and Land Surveyors Database** **Alternate Title:**

Series #:	Series Title:	Disposition Instructions:
01990	Master File - Engineers and Land Surveyors	Retain for fifty (50) years after non-renewal, then destroy.
01993	In-Training Applications File	Transfer to Master Files when and where applicable. Retain passing, but not licensed applications, for fifty (50) years, then destroy. Retain failed applications for five (5) years, then destroy.
01997	Disciplinary and Enforcement Actions File	Retain for twenty (20) years after board approved actions, then destroy.
06167	Denied Applications File	Retain for five (5) years, then destroy.
06169	Business Entity Permit File	Retain for five (5) years after non-renewal, then destroy.