



Commission on Human Rights

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.

Commission on Human Rights

The Kentucky Commission on Human Rights was created in 1960 as an administrative body attached to the Governor's Office, with its eleven members appointed by the Governor for three-year terms. Its duties include encouraging fair treatment and understanding of minorities through its research, publication of reports, cooperating with public and private organizations to discourage discrimination and making recommendations on eliminating discrimination. The Commission also educates public and private persons and entities subject to various federal and state civil rights laws, assists them in complying with the law, and informs individuals of their rights under those laws. The commission also enforces the Kentucky Civil Rights Act (KRS Chapter 344), receiving, initiating, investigating, seeking to conciliate, holding hearings on, and deciding complaints alleging violations of the act.

RECORDS RETENTION SCHEDULE

Signature Page

Commission on Human Rights
Agency

June 1, 1978
Schedule Date

Unit

March 9, 2006
Change Date

March 9, 2006
Date Approved By Commission

APPROVALS

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

Linda G. Munnare
Agency Head

11/3/2006
Date of Approval

Erin E. Spalding
Agency Records Officer

11/3/06
Date of Approval

Richard L. Gelling
State Archivist and Records Administrator
Director, Public Records Division

3/9/2006
Date of Approval

Chairman, State Archives and Records Commission

03/09/06
Date of Approval

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

Pamela G. Burris
Records Analyst/Regional Administrator

09-march-06
Date of Approval

Joni Syle
Appraisal Archivist

3/9/06
Date of Approval

State/Local Records Branch Manager

9 March 06
Date of Approval

The determination as set forth meets with my approval.

Ben L. Lyles
Auditor of Public Accounts

3-9-06
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Governor, Office of the
Human Rights, Commission on

Record Group
Number
1450

Series	Records Title and Description	Function and Use
01356	Case File (V)	This series documents investigations of complaints alleging discrimination that are brought before the Commission on Human Rights. Investigations are documented through the original complaint and the Case Recommendation and Closing Form or the final order if the case is resolved through an administrative hearing. The Kentucky Commission on Human Rights was established in 1960 per the requirements of Title VI of the Federal Civil Rights Acts of 1964 (42 USC Chapter 42), Title VIII of the Federal Rights Act of 1968, the Fair Housing Act (42 USC 360), the Federal Age Discrimination in Employment Act of 1967, the American with Disabilities Act of 1991 and further described in KRS 344.010, 015, and 020. The function of the Commission as defined in KRS 344.170 is "to encourage fair treatment for, to foster mutual understanding and respect among and to discourage discrimination against any racial or ethnic group or its members". Pursuant to KRS 344.180 (2) through (7) and KRS 344.190, the duties of the Commission shall include the authority to conduct research projects, studies and publish reports on discrimination in Kentucky; to receive and investigate complaints of discrimination and to recommend ways of eliminating any injustices; to hold public hearings and request the attendance of witnesses; to cooperate with other organizations, public and private, to discourage discrimination; to encourage fair treatment for all persons regardless of race or national ancestry, and to make an annual report to the Governor of its activities under KRS Chapter 344.
	Access Restrictions	KRS 344.250(6) and KRS 61.878(1)(a)
	Contents	Series may contain: Original Complaint; Conciliation Agreements, Case Record and Closing form; final orders; Name, Social Security number, date of birth, address, phone number of complainants, Name of Respondent, address, Nature of Complaint, Date alleged discrimination took place, County, Number of employees, the particulars of the complaint, names of witnesses; correspondence other investigation material; hearing transcripts; evidence; photographs; dismissals.
	Retention and Disposition	Retain original complaint and Case Recommendation and Closing form or final order permanently. Destroy balance of file five (5) years after case closure. Transfer to State Archives Center for Permanent retention two (2) years after case closure.
01358	Docket Books	
	Access Restrictions	None
	Contents	
	Retention and Disposition	Transfer to the State Archives Center for Permanent retention.
01359	Inquiry Docket Book	Closed Series
	Access Restrictions	None
	Contents	
	Retention and Disposition	Transfer to the State Archives Center for Permanent retention.
01360	Order Book	Closed Series
	Access Restrictions	None
	Contents	
	Retention and Disposition	Transfer to the State Archives Center for Permanent retention.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Governor, Office of the
 Human Rights, Commission on

Record Group
Number
1450

Series	Records Title and Description	Function and Use
01361	Mailing List - (Card File)	Closed Series
	Access Restrictions	None
	Contents	
	Retention and Disposition	Destroy when obsolete.
01362	Kentucky Employer's Equal Employment Opportunity Forms (Federal-EEO-1) (Duplicate)	Closed Series. The information contained in this series is incorporated in Series Number 01356. (Contains breakdown of employer's work force by race, religion, national origin, and sex)
	Access Restrictions	None
	Contents	
	Retention and Disposition	Retain for five (5) years.
04336	Housing Testing Report File (Contains information which does not result in a violation of Fair Housing Laws)	This series documents information collected during housing tests conducted by testers trained by the Commission on Human Rights, which does not result in a complaint or violation of Kentucky's Fair Housing Law as defined in KRS 344.360. The tests are periodically conducted at various housing sites to determine the extent of compliance in rental or sales practices. The testing which occurs is an objective means by which the Commission gathers and compares information on housing practices. Individuals conducting the tests pose as home seekers. The two person teams will visit a housing site at different times and will gather information about the cost to rent or purchase, lease terms, number of rental units, etc. The information gathered by each member of the team is compared to determine if violations exist. If a violation is detected and a complaint filed, the test report becomes a part of Series 01356, Case File, which is retained permanently. If no unlawful practice is detected, the report provides information for a composite report. After the information is summarized in the composite report, it serves no useful purpose to the agency. The statute of limitations prevents use of these or any test reports for housing complaints one year after the test was conducted.
	Access Restrictions	None
	Contents	May include: two report forms completed by the testers; assignment form as completed by the program supervisor; business card for property owner/manager; specific information about the housing site, such as floor plan, amenities offered, blank application.
	Retention and Disposition	Retain for three (3) years, then destroy.