



Kentucky Office of Agricultural Policy

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.

Department of Agriculture
Kentucky Office of Agricultural Policy

The Kentucky Office of Agricultural Policy (KOAP), established in 1998 as the Governor's Office of Agricultural Policy, helps to promote, develop and implement development policies that result in a stronger agricultural base in the Commonwealth. OAP provides a direct link between the Governor and one of the state's most important industries. The office administers the Governor's Commission on Family Farms, the Kentucky Agricultural Resource Development Authority (KARDA), the Kentucky Agricultural Development Board (Phase I), the Kentucky Tobacco Settlement Trust Corporation (Phase II), and the Kentucky Aquaculture Infrastructure Development Fund. Additionally, OAP represents Kentucky's interests as national agricultural policy is developed.

RECORDS RETENTION SCHEDULE

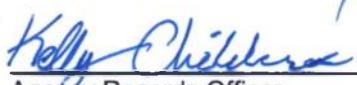
Signature Page

KY Office of Agriculture Policy	March 9, 2017
_____ Agency	_____ Schedule Date
_____ Unit	_____ June 8, 2023 Change Date
	_____ June 8, 2023 Date Approved By Commission

APPROVALS

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

 _____ Agency Head	<u>May 25, 2023</u> _____ Date of Approval
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 _____ Agency Records Officer	<u>5/24/23</u> _____ Date of Approval
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DocuSigned by:  _____ C4B05A33799E433... State Archivist and Chairman, State Libraries, Archives, and Records Commission	<u>6/8/2023</u> _____ Date of Approval
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The undersigned Archives and Records Management Division staff have examined the record items and recommend the disposition as shown:

<u>Taylor Metzring</u> _____ Records Analyst/Regional Administrator	<u>5/24/2023</u> _____ Date of Approval
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 _____ Archivist	<u>6/2/2023</u> _____ Date of Approval
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DocuSigned by:  _____ F25FB2B0E6434BA... State/Local Records Branch Manager	<u>6/2/2023</u> _____ Date of Approval
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The determination as set forth meets with my approval.

DocuSigned by: <u>Graham Gray</u> _____ B0957BB609E3413... Auditor of Public Accounts	<u>6/8/2023</u> _____ Date of Approval
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**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

General Government
Agriculture, Department of
Agricultural Policy, Kentucky Office of

**Record Group
Number
55**

Series	Records Title and Description	Function and Use
05421	Agricultural Development Fund Approved Cost-Share Program Files (V)	<p>This series documents cost share programs approved for funding through the Kentucky Agricultural Development Fund (KADF). The KADF, also known as the Rural Development Fund, represents fifty percent (50%) of the money in the Tobacco Settlement Agreement Fund. The Tobacco Settlement Agreement Fund was established for depositing all monies received by the Commonwealth from the Master Settlement Agreement between the participating tobacco manufacturers and the forty-six (46) settling states, signed on November 22, 1998. Effective April 26, 2000, the Kentucky Agricultural Development Board (KADB) was established to distribute KADF monies for the purpose of diversifying Kentucky's agricultural economy. Staff at Kentucky Office of Agricultural Policy (KOAP) is responsible for carrying out administrative duties for KADB, including all accounting, financial and grant transactions, research, and policy recommendations. The Board reviews grant applications monthly. Thirty-five percent (35%) of KADF funds are applied toward county-level projects while sixty-five percent (65%) are applied to state-level projects. One hundred eighteen (118) counties share the allotted thirty-five percent (35%), with decisions based on a county's tobacco production dependency relative to other Kentucky counties.</p> <p>Access Restrictions KRS 61.878 (1)(a) - Social Security Number. Agencies should consult legal counsel regarding open records matters.</p> <p>Contents Series may contain: Program application, agreement, financial documentation, correspondence, periodic and closing reports, other related documentation for model programs, County Agricultural Investment Program (CAIP), shared-use equipment program and other cost-share programs as developed by the KADF.</p> <p>Retention and Disposition Retain until five (5) years after final report submission, then destroy.</p>
05422	Agricultural Development Fund Grant Applications - Denied/Withdrawn (V)	<p>This series documents denied or withdrawn applications for grant funding through the Kentucky Agricultural Development Fund (KADF). The KADF, also known as the Rural Development Fund, represents 50% of the money in the Tobacco Settlement Agreement Fund. The Tobacco Settlement Agreement Fund was established for depositing all monies received by the Commonwealth from the Master Settlement Agreement between the participating tobacco manufacturers and the forty-six settling states, signed on November 22, 1998. Effective April 26, 2000, the Kentucky Agricultural Development Board (KADB) was established to distribute KADF monies for the purpose of diversifying Kentucky's agricultural economy. Staff at Kentucky Office of Agricultural Policy (KOAP) is responsible for carrying out administrative duties for KADB, including all accounting, financial and grant transactions, research, and policy recommendations. The Board reviews grant applications on a monthly basis.</p> <p>Access Restrictions KRS 61.878 (1)(a) - Social Security Number. KRS 61.878(1)(c)(2)(a) - Disclosure. Agencies should consult legal counsel regarding open records matters.</p> <p>Contents Series may contain: Grant application, correspondence, denial of funding letter, other related documentation.</p> <p>Retention and Disposition Retain until five (5) years after denial or withdrawal, then destroy.</p>

STATE AGENCY RECORDS RETENTION SCHEDULE

General Government
Agriculture, Department of
Agricultural Policy, Kentucky Office of

Record Group
Number
55

Series	Records Title and Description	Function and Use
05423	Agricultural Development Fund Approved Project Files (V)	<p>This series documents projects funded through the Kentucky Agricultural Development Fund (KADF). The KADF, also known as the Rural Development Fund, represents fifty percent (50%) of the money in the Tobacco Settlement Agreement Fund. The Tobacco Settlement Agreement Fund was established for depositing all monies received by the Commonwealth from the Master Settlement Agreement between the participating tobacco manufacturers and the forty six (46) settling states, signed on November 22, 1998. Effective April 26, 2000, the Kentucky Agricultural Development Board (KADB) was established to distribute ADF monies for the purpose of diversifying Kentucky's agricultural economy. Staff at Kentucky Office of Agricultural Policy (KOAP) is responsible for carrying out administrative duties for KADB, including all accounting, financial and grant transactions, research, and policy recommendations.</p> <p>Access Restrictions KRS 61.878 (1)(a) - Social Security Number. KRS 61.878(1)(c)(2)(a) - Disclosure. Agencies should consult legal counsel regarding open records matters.</p> <p>Contents Series may contain: Project application, agreement, financial documentation, correspondence, periodic and closing reports, other related documentation.</p> <p>Retention and Disposition Retain until five (5) years after final report submission, then destroy.</p>
05427	Kentucky Agricultural Finance Corporation (KAFC) Revolving Loan File (V)	<p>This series documents loans approved for funding through the Kentucky Agricultural Finance Corporation (KAFC). KAFC was created in 1984 to help secure adequate funding, on reasonable terms, for individuals who wished to pursue agricultural projects, but could not secure that funding privately. It came under the administrative auspices of Kentucky Office of Agricultural Policy (KOAP) in 2004. KAFC is authorized to make, or participate in the making of, loans directed toward purchasing agricultural real estate, machinery, equipment or livestock; improving agricultural real estate; leasing equipment; introducing new agricultural commodities; or enhancing agricultural markets (KRS 297.946[4-7]). Applications are judged according to criteria listed in KRS 247.946(2)(a-e), including: (1) the applicant's experience, training and financial ability; (2) the economic need for the project; (3) the economic soundness of the project; and (4) the consistency of the project with other policies designed to promote beneficial agricultural conditions in the Commonwealth. Applications are evaluated monthly. This series represents applications that have been funded and for which the applicant has fulfilled the obligations related to the loan. KAFC is the sole lender for these loans, though loans to support agricultural projects are available from other sources.</p> <p>Access Restrictions KRS 61.878 (1)(a) - Social Security Number. KRS 61.878(1)(c)(2)(a) - Disclosure. Agencies should consult legal counsel regarding open records matters.</p> <p>Contents Series may contain: Loan application, agreement, financial documentation, correspondence, periodic and closing reports, other related documentation.</p> <p>Retention and Disposition Retain until five (5) years after final report submission, then destroy.</p>
05428	Kentucky Agricultural Finance Corporation (KAFC) Revolving Loan Application File - Denied/Withdrawn (V)	<p>This series documents denied or withdrawn applications for loan funding through the Kentucky Agricultural Finance Corporation (KAFC). KAFC was created in 1984 to help secure adequate funding, on reasonable terms, for individuals who wished to pursue agricultural projects but could not secure that funding privately. It came under the administrative auspices of Kentucky Office of Agricultural Policy (KOAP) in 2004. KAFC is authorized to make or participate in the making of loans directed toward purchasing agricultural real estate, machinery, equipment or livestock; improving agricultural real estate; leasing equipment; introducing new agricultural commodities; or enhancing agricultural markets (KRS 297.946[4], [6], [7]). Applications are judged according to criteria listed in KRS 247.946(2), including: (1) the applicant's experience, training and financial ability; (2) the economic need for the project; (3) the economic soundness of the project; and (4) the consistency of the project with other policies designed to promote sound agricultural conditions in the Commonwealth. Applications are evaluated monthly.</p> <p>Access Restrictions KRS 61.878 (1)(a) - Social Security Number. KRS 61.878(1)(c)(2)(a) - Disclosure. Agencies should consult legal counsel regarding open records matters.</p> <p>Contents Series contains: Loan application, correspondence, denial of funding letter, other related documentation.</p> <p>Retention and Disposition Retain until five (5) years after denial or withdrawal, then destroy.</p>

Electronic System With Included Records Series

General Government *Agriculture, Department of* **Kentucky Office of Agricultural Policy**

System Description: The Monitoring Database - PROGRAMS was developed to assist the Kentucky Office of Agricultural Policy (KOAP) in monitoring activity and collect reporting data for county cost-share programs and dead animal removal programs awarded through the Kentucky Agricultural Development Fund.

System Contents: For each application the following information is maintained: program specific reporting data provided by local program administrators (e.g. cost-share recipients, usage numbers), program award (administrator, amount, etc.), and award specific dates for tracking reporting requirements.

Gen. Schedule Items:

System Title: **Monitoring Database - PROGRAMS**

Alternate Title:

<i>Series #</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>
05421	Agricultural Development Fund Approved Cost-Share Program Files	Retain until five (5) years after final report submission, then destroy.

Electronic System With Included Records Series

General Government *Agriculture, Department of* **Kentucky Office of Agricultural Policy**

System Description: The Monitoring Database - Shared-Use was developed to assist the Kentucky Office of Agricultural Policy (KOAP) in monitoring activity and collect reporting data for shared-use equipment programs awarded through the Kentucky Agricultural Development Fund.

System Contents: For each application the following information is maintained: program award (administrator, amount, equipment type, insurance, location stored), award specific dates for tracking reporting requirements, and equipment usage data.

Gen. Schedule Items:

System Title: **Monitoring Database - Shared-Use**

Alternate Title:

<i>Series #</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>
05421	Agricultural Development Fund Approved Cost-Share Program Files	Retain until five (5) years after final report submission, then destroy.
