



Commonwealth Office of the Ombudsman

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.

Commonwealth Office of the Ombudsman

Previously created in the Cabinet for Health and Family Services, the Commonwealth Office of the Ombudsman became an independent office that is administratively attached to the Auditor of Public Accounts, effective July 1, 2024.

The Commonwealth Office of the Ombudsman investigates, upon complaint or on its own initiative, any administrative act of an organizational unit, employee, or contractor of the Cabinet for Health and Family Services without regard to the finality of the administrative act. Organizational units, employees, or contractors of the Cabinet for Health and Family Services shall not willfully obstruct an investigation, restrict access to records or personnel, or retaliate against a complainant or cabinet employee; makes recommendations that resolve citizen complaints about the Cabinet for Health and Family Services and improve the cabinet's performance and may require corrective action when policy violations are identified; provides evaluation and information analysis of the Cabinet for Health and Family Service's performance and compliance with state and federal law; places an emphasis on research and best practices, program accountability, quality service delivery, and improved performance of the Cabinet for Health and Family Services; provides information on how to contact the office for public posting at all offices where Department for Community Based Services of the Cabinet for Health and Family Services employees or contractors work, at any facility where a child in the custody of the cabinet resides, and to all cabinet or contracted foster parents; reports to the Cabinet for Health and Family Services, Office of Inspector General for review and investigation: (a) Any charge or case against an employee of the Cabinet for Health and Family Services where it has cause to believe the employee has engaged in dishonest, unethical, or illegal conduct or practices related to his or her job duties; or (b) A violation of state law or administrative regulation by any organization or individual regulated by or contracted with the cabinet; compiles a report of all citizen complaints about programs or services of the Cabinet for Health and Family Services and a summary of resolution of the complaints and submit the report upon request to the Interim Joint Committee on Health, Welfare, and Family Services; and provides information to the Office of the Attorney General, when requested, related to substantiated violations of state law against an employee or contractor of the Cabinet for Health and Family Services or a foster or adoptive parent.

RECORDS RETENTION SCHEDULE

Signature Page

Health and Family Services Cabinet
Agency

March 13, 2008
Schedule Date

Office of the Ombudsman
Unit

Change Date

March 13, 2008
Date Approved By Commission

APPROVALS

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

Sandra Brock
Agency Head

3/18/08
Date of Approval

Sonya Taylor
Agency Records Officer

3/18/08
Date of Approval

Barbara Teyu
State Archivist and Records Administrator
Director, Public Records Division

13 March 08
Date of Approval

Wayne Ostert
Chairman, State Archives and Records Commission

13 March 2008
Date of Approval

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

Pam Compton
Records Analyst/Regional Administrator

13 March 08
Date of Approval

Jim Taylor
Appraisal Archivist

March 13, 2008
Date of Approval

[Signature]
State/Local Records Branch Manager

13 Mar 08
Date of Approval

The determination as set forth meets with my approval.

Michael Brumby
Auditor of Public Accounts

March 13, 2008
Date of Approval

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

General Government
Auditor of Public Accounts
Ombudsman, Commonwealth Office of

**Record Group
Number
1414**

Series	Records Title and Description	Function and Use
04145	Client Review File	This series documents the actions (investigations and responses) of the Ombudsmans Office as it serves the Cabinet for Health and Family Services (CHFS). The Complaint Review Branch provides a means to review citizen complaints of the services of CHFS when those complaints cannot be resolved through normal administrative remedies. Research is conducted by ombudsman staff to respond to a complaint or inquiry. They will make referrals, or may intercede on behalf of the client to solve a problem. Problems may be concerned with any program area, e.g., Food Stamps, medical assistance, birth certificates. The file is created when correspondence is received. Most cases are handled within twenty -four (24) hours; however, a few cases may take as long as a month to resolve, but rarely longer than that.
	Access Restrictions	KRS 620.050 and KRS 205.175. Agencies should consult legal counsel regarding open records matters.
	Contents	Clients correspondence, notes, and worker response
	Retention and Disposition	Retain in Agency two (2) years; transfer to the State Records Center for three (3) years; total retention is five (5) years.
05544	Quality Control Case Reviews - Food Stamps	KRS Chapter 194A.010 defines the duties and functions of the Cabinet for Health and Family Services (CHFS). One of the statutory requirements is the implementation and administration of the Food Stamp Program in accordance with federal mandates as stated in 7 U.S.C. 2020 (e)(2)(B). This series documents randomly selected reviews of food stamp recipients completed by the Offices Quality Control Analysts. The reviews are performed to determine the States compliance with Federal reporting requirements. The information is used to prepare Quality Control reviews and reports that are the basis of receipt of federal funds for the Food Stamp program. The reviews are also the basis for the policy and procedures that are necessary to provide an eligible Food Stamp Program to the States indigent citizens.
	Access Restrictions	KRS 205.175; KRS 61.878 (1) (a). Agencies should consult legal counsel regarding open records matters.
	Contents	This series may contain: Department of Community Based Services case files, Case reviews and summary of contents and conclusion of assigned analyst, correspondence, applications, and income information.
	Retention and Disposition	Retain in Agency two (2) years; transfer to State Records Center for one (1) year; total retention is three (3) years.
05705	Quality Control Case Reviews - Medicaid	KRS 194A.010 defines the duties and functions of the Cabinet for Health and Family Services (CHFS). One of the regulatory duties included is the responsibility to administer the States Medicaid Program. Pursuant to 42 CRF 43 Subpart E and KRS Chapter 205, CHFS shall conduct reviews of the Medicaid Program to ensure proper management of the program and conduct measures necessary or useful in controlling fraud and abuse. This series documents those reviews. These reviews are completed monthly by the Quality Control Analysts and prepared to determine the correctness of benefits received by clients and whether appropriate actions were taken by Department of Community Based Service workers.
	Access Restrictions	KRS 205.175; KRS 61.878 (1) (a); HIPPA. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Department of Community Based Services Clients files which state name, home address, Social Security number, date of birth, medical history and expenses, correspondence, Quality Control Review Findings
	Retention and Disposition	Retain in Agency for 1 year after closure, transfer to the State Records Center for one (1) year, then destroy after audit. Total retention is two (2) years.

STATE AGENCY RECORDS RETENTION SCHEDULE

General Government
Auditor of Public Accounts
Ombudsman, Commonwealth Office of

Record Group
Number
1414

Series	Records Title and Description	Function and Use
05706	Non-Hearable Protection and Permanency Appeal Requests	This series documents the review of cases involving protection of children. KRS Chapter 194 A.010 defines the duties and functions of the Cabinet for Health and Family Services (CHFS). One of the statutory requirements is the delivery of child protective services, including procedures for appealing and responding to appeals regarding substantiated reports of abuse and neglect. Appeal rights are also afforded to those citizens who believe they are being denied services by the Cabinet. Per 922 KAR 1:480 Section 2, a person who has been found by CHFS to have abused or neglected a child may appeal CHFSs finding through an administrative hearing. Likewise, 922 KAR 1:320 Section 2 provides appeal rights to those who believe they are being denied services by CHFS. The Quality Assurance Section processes all incoming DPP-155 (Division of Permanency and Protection), Child Abuse Prevention and Treatment Act (CAPTA) and DPP -154 (Service Appeal) administrative hearing requests. After gathering material from the Department of Community Based Services client file, some requests are determined to be ineligible for a hearing under 922 Kentucky Administrative Regulation 1:480 Section 4 and 922 KAR 1:320 Section 3. A denial letter stating the matter is not appealable through an administrative hearing is sent to the client and the case is filed as being "non-hearable/denied". This series documents the requests that not appealable pursuant to requirements stated in 922 KAR 1:480 Section 4 and 922 KAR 1:320 Section 3.
	Access Restrictions	KRS 620.050 and KRS 61.878 (1) (a). Agencies should consult legal counsel regarding open records matters.
	Contents	This Series may contain: Skeletal record of protection and permanency Department of Community Based Services client files due to hearing request and correspondence, excerpts from the protection and permanency case record, and court documentation related to the case.
	Retention and Disposition	Retain in Agency three (3) years; transfer to the State Records Center for three (3) years, then destroy. Total retention is six (6) years.