

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

PM 2026 - 01

Policy Memorandum on Destruction of Original Permanent Public Records

KRS 171.420 authorizes the State Libraries, Archives, and Records Commission (Commission) to review and approve records retention schedules that specify when public agencies are permitted to legally destroy public records. KRS 171.420(4) and KRS 171.670 provide the Commission with exclusive authority to issue binding and final decisions regarding the destruction of records, including permanent records. Under the terms of KRS 171.660, the Department for Libraries and Archives (KDLA) establishes the procedures to be followed for disposal or destruction of original records. The related regulations are 725 KAR 1:020 "Recording and reproducing public records," 725 KAR 1:030 "Scheduling public records for retention and disposal; procedures," and 725 KAR 1:061 "Records retention schedules; authorized schedules."

Permanent Records

Public records are defined in KRS 171.410(1). Records with permanent retention include those records which have been appraised by staff of KDLA and the agency's Records Officer, and approved by the Commission, as having sufficient historical, informational, or evidential value to warrant their continued preservation beyond the time they are needed for administrative, legal, or fiscal purposes. Such records are preserved because they constitute evidence of an agency's functions, policies, decisions, procedures, and operations.

Public records scheduled as permanent may be maintained in the original format on which they were produced or on physical, eye-readable counterparts such as on microfilm. In those cases where a physical duplicate exists, the Commission allows for the destruction of original permanent records through petition by public agencies to the State Archivist. To be considered, an agency shall document, in writing to the State Archivist, the following:

A. Accuracy and Completeness of Records

Agency shall identify corresponding Record Series and Retention Schedule for the records they are applying for destruction. Only identified Record Series will be considered. Separate petitions are required for additional Record Series. Any record not on a schedule is considered permanent and will require scheduling before consideration of destruction.

A process of inspection shall be in place to confirm that physical, eye-readable duplicates of original permanent records are legible and that no corners of the original documents were folded or obscured during reproduction. This process shall include systematic quality control and audit procedures, as well as operational oversight by staff with detailed knowledge of the process used to produce the records.

Resolution and use of gray scale shall be appropriate to capture all needed detail within documents, as defined by the "Microfilming and Digital Imaging of Public Records: A Procedural Guide." Reproductions shall capture all colors that are needed to interpret or understand the meaning of the original record.

B. Access to Records

The agency (or KDLA in the case where the records have been transferred to KDLA) shall ensure records meet all access requirements defined by Kentucky Revised Statutes and Kentucky Administrative Regulations.

C. Maintenance and Retention of Records

Consideration for long term maintenance of the records, including plan for format migration, shall be identified and employed to ensure usability of records throughout their retention period.

Approved by the State Libraries, Archives, and Records Commission. Effective September 10, 2026.

D. Transfer of Records

The State Archivist requires a duplicate of the original permanent record, in the format identified by KDLA, be transferred to KDLA along with shared intellectual custody.

The State Archivist may also, as a condition of approval, require the transfer of the original permanent records into the physical custody of the State Archives Center, per KRS 171.580(2).

For transfer of public records, agencies shall follow 725 KAR 1:025 "Transfer of public records."

Approval and Destruction

Once the above conditions are met, the State Archivist may provide written authorization for the petitioning agency to maintain records solely as microform or other physical permanent format and approve the destruction of the original permanent record.

Once approved, the agency shall follow the "Destruction of Public Records: A Procedural Guide" and complete a Destruction Certificate, which will be attached to the corresponding transmittal and the application.