



# Office of Drug Control 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 the Office of Drug Control Policy. **Government records in Kentucky can only be disposed of with the approval of the State 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 Office of Drug Control Policy personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Office of Drug Control Policy to destroy the records listed, after the appropriate retention periods have passed.

Office of Drug Control Policy 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 the Office of Drug Control Policy.

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.**

This retention schedule covers the content of records created by the Office of Drug Control Policy, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

### **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.

## **Office of Drug Control Policy**

KRS 15A.020 (1) (f) established the Office of Drug Control Policy (“ODCP”) in the Justice and Public Safety Cabinet in June 2007. ODCP was originally formed in 2004 by Executive Order as part of the Governor’s Office.

The primary tasks of the ODCP center on prevention of and education concerning substance abuse, treatment, and a positive progression of Kentucky’s drug law enforcement efforts. ODCP serves as a catalyst for improving the health and safety of all Kentuckians by promoting strategic approaches and collaboration to reduce drug use, related crime, and to support recovery from drug abuse. By December 31<sup>st</sup> of each year, the Office of Drug Control Policy reviews, approves, and coordinates all current projects of any substance abuse program which is conducted by or receives funding through agencies of the executive branch, including all substance abuse programs which are principally related to the prevention or treatment, or otherwise targeting the reduction of substance abuse in the Commonwealth. Funding for ODCP is provided by the Federal Government, the Justice and Public Safety Cabinet, the Cabinet for Health and Family Services and the Cabinet for Education and Workforce Development.

RECORDS RETENTION SCHEDULE

Signature Page

Office of Drug Control Policy
Agency

September 11, 2008
Schedule Date

Unit

Change Date

September 11, 2008
Date Approved By Commission

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APPROVALS

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

Van L. Ingram
Agency Head

9/12/2008
Date of Approval

Berry Hammermeister
Agency Records Officer

9/12/2008
Date of Approval

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

9/11/08
Date of Approval

Wayne Onit
Chairman, State Archives and Records Commission

9/15/08
Date of Approval

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

Pam Compton
Records Analyst/Regional Administrator

2008, Sept 11
Date of Approval

Jim Jurek
Appraisal Archivist

9/11/08
Date of Approval

State/Local Records Branch Manager

9/11/08
Date of Approval

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The determination as set forth meets with my approval.

M. Brian Lyles
Auditor of Public Accounts

9/11/08
Date of Approval

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

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Justice and Public Safety  
Drug Control Policy, Office of

Record Group  
Number

Series	Records Title and Description	Function and Use
05811	<b>Constituent Services Inquiry Responses (V)</b>	<p>This series documents all responses by the Office of Drug Control Policy to inquiries related to substance abuse in the Commonwealth. Some inquiries are forwarded to the Office of Drug Control Policy from the Governor's Office for response, though the majority of the inquiries are directly to the Office of Drug Control Policy. The Office of Drug Control Policy prepares the correspondence and copies the Governor's Office. The Office of Drug Control Policy was established in the Justice and Public Safety Cabinet in June 2007 pursuant to KRS 15A.020 (1) (f). The Office is responsible for all matters relating to the research, coordination, and execution of drug control policy and for the management of related state and federal grants, including but not limited to the prevention and treatment related to substance abuse. By December 31st of each year, the Office of Drug Control Policy reviews, approves, and coordinates all current projects of any substance abuse program which is conducted by or receives funding through agencies of the executive branch, including all substance abuse programs which are principally related to the prevention or treatment, or otherwise targeting the reduction of substance abuse in the Commonwealth.</p> <p><b>Access Restrictions</b> None</p> <p><b>Contents</b> This series may contain: Letters; inquiries and responses regarding persons requesting substance abuse assistance for family members; requests for additional law enforcement service in substance abuse areas of the Commonwealth; reports of illegal activity regarding substance abuse.</p> <p><b>Retention and Disposition</b> Retain in Agency for ten (10) years; destroy.</p>
05812	<b>Drug Task Force File (V)</b>	<p>This series documents the progress reports of Kentucky's Drug Task Forces and the number of investigations, search warrants, and arrests conducted by law enforcement as part of the Drug Task Forces. This series also documents their expenditures and financial reports. Drug task forces that receive federal funding emerge from inter-local agreements between municipalities and counties. There are varying degrees of cooperation or assistance sought from the State Police among the regional task forces. The Office of Drug Control Policy provides funding and oversight to the task forces. The primary duty of the task forces is to focus on drug-related crimes and the growing drug problems in local communities.</p> <p><b>Access Restrictions</b> None</p> <p><b>Contents</b> Series may contain: Financial reports, number of investigations, search warrants, arrests conducted by each of the Drug Task Force, and expenses and receipts, investigative and compliance reports.</p> <p><b>Retention and Disposition</b> Retain in Agency; destroy after 3 years and audit.</p>
05813	<b>Methamphetamine Checks Call Log (v)</b>	<p>This series documents the telephone call log to Office of Drug Control Policy from pharmacies and consumers inquiring about the dates and dispensation amounts of selected medication. There are two separate telephone logs, one is for pharmacies and one maintained for consumers. KRS 15A.020 (1) (f) establishes the Office of Drug Control Policy in the Justice and Public Safety Cabinet in June 2007. Pursuant to KRS 218A.1446, authorized pharmacies permitted to dispense tablets containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers must submit electronically or in written form (if an exemption has been granted by the Drug Enforcement and Professional Standards Branch and the Office of Drug Control Policy) to Appriss, Inc., a Meth Check RX database system, that is contracted by the State of Kentucky, to maintain this information. Included in the compilation is a list of persons acquiring the nonprescription drug, the amount and name of the compound mixture, and date of the purchase as required by KRS 218A.1446 (2) . This information is available to law enforcement agencies through their computer database to investigate suspect individuals who may possibly be manufacturing meth.</p> <p><b>Access Restrictions</b> None</p> <p><b>Contents</b> Series may contain: Name and address of pharmacy dispensing the medication containing ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers; name, address, Social Security number and date of birth of persons receiving medication; prescribing physician; date of prescription and date of dispensation of medication.</p> <p><b>Retention and Disposition</b> Retain in Agency for ten (10) years; destroy.</p>

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## *Electronic System With Included Records Series*

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### **Justice and Public Safety Cabinet**

*Office of the Secretary (J&PS)*

**Office of Drug Control Policy**

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**System Title:** MethCheck

**Alternate Title:** MethCheck Rx, MethCheck LE

**System Description:** An internet based system that records the sales of pseudoephedrine in all Kentucky pharmacies. The purposes is to prevent the violation of pseudoephedrine restrictions established by state and federal laws, and to provide law enforcement access to transaction records from their PC in real time. MethCheck replaced manual logbooks with a single nationwide electronic system. In November, 2005, Kentucky implemented the nation's first electronic Pseudoephedrine log using MethCheck in Laurel County. On June 1, 2008 the system was fully operational across the state. Each pharmacy selling pseudoephedrine has a PC with internet access to MethCheck. The MethCheck POS Portal allows the entry of the point of sale of pseudoephedrine application. There are a few exemptions granted to file the information by hardcopy. Each transaction is transmitted to the Multi-State Compliance Manager which identifies the source of each transaction and routes it to the appropriate state agent and updates the National MethCheck database. The results are transmitted back to the pharmacist through the MethCheck POS Portal. MethCheck LE allows law enforcement agencies on-demand, real-time access to pharmacy logs from across the country via a website accessible from any PC with Internet connectivity. Additionally, MethCheck provides automated tools that give law enforcement the ability to monitor suspicious buying patterns and to monitor specific individuals who exceed the legal limits imposed by federal or state law. The vendor Appriss, Inc. supports the system. The ODCP provides customer support services for pharmacies using the system and the consumer buying the pseudoephedrine.

**System Contents:** MethCheck has five primary components: MethCheck Transaction Application Program Interface (API), MethCheck POS Portal, MethCheck LE Portal, Multi-State Compliance Manager, MethCheck State Agent. Information such as name, address, date of birth of customer purchasing pseudoephedrine products as well as the amount and type of purchase, date, time and location of purchase are entered into MethCheck. Law Enforcement agencies are able to run queries based on a single person's purchases, store's transactions, or roll up summary reports by store, county, or state. Automated notifications can be scheduled when a specified transaction occurs.

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<i>Series #:</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>	<i>Total Retention:</i>
05813	Methamphetamine Checks Call Log	Destroy	10

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