



Tourism, Arts and Heritage Cabinet Office of Legal Affairs

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division
Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Tourism, Arts and Heritage Cabinet. **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 Tourism, Arts and Heritage Cabinet personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for Tourism, Arts and Heritage Cabinet to destroy the records listed, after the appropriate retention periods have passed.

Tourism, Arts and Heritage Cabinet 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 Tourism, Arts and Heritage Cabinet.

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 Tourism, Arts and Heritage Cabinet, 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.

RECORDS RETENTION SCHEDULE

Signature Page

Tourism, Arts and Heritage Cabinet
Agency

March 10, 2016
Schedule Date

Unit

Change Date

March 10, 2016
Date Approved By Commission

APPROVALS

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

William R. Datta
Agency Head

11/4/2015
Date of Approval

Rebecca Battongni
Agency Records Officer

11/4/2015
Date of Approval

State Archivist and Records Administrator
Director, Public Records Division

Date of Approval

[Signature]
Chairman, State Archives and Records Commission

3/10/16
Date of Approval

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

Joseph Isaac
Records Analyst/Regional Administrator

November 12, 2015
Date of Approval

Jim Jung
Appraisal Archivist

3/10/2016
Date of Approval

[Signature]
State/Local Records Branch Manager

3/10/16
Date of Approval

The determination as set forth meets with my approval.

Melissa Scott Forz
Auditor of Public Accounts

3/10/16
Date of Approval

*Mike
Hansen*

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Tourism, Arts and Heritage Cabinet
Legal Affairs, Office of

Record Group
Number
2748

Series	Records Title and Description	Function and Use
06649	Private Event, Alcohol Waiver File	This series documents agreements between private parties and State Parks, Golf Courses, or other event locations to allow alcoholic beverages at the event space. Alcoholic beverages are prohibited in public areas in all state parks and golf courses. In some instances where conference rooms, cabins, or event space have been rented, alcoholic beverages may be allowed for private adult consumption by prior arrangement with the Sales Manager for that location.
	Access Restrictions	
	Contents	Series may contain: Name of parties; name of event location; date of event; memorandum agreement; and supporting documentation or correspondence.
	Retention and Disposition	Retain in agency for three (3) years after date of event, then destroy.
06650	Litigation File	This series documents the working litigation file of the attorneys when the Tourism, Arts and Heritage Cabinet is a named party in a legal case or in cases brought before the Personnel Board. This series represents the working file created and maintained by TAH's attorneys during the litigation process. The official file of record is maintained in the court of jurisdiction.
	Access Restrictions	KRE 503 - attorney client privilege; CR 26.02 - work product materials
	Contents	Series may contain: Case information, pleadings, investigative information, judgment, affidavits, transcripts, legal research, notices, grievances, correspondence, briefs, discovery, research, evidence, and other documentation related to the litigation.
	Retention and Disposition	Retain in agency until five (5) years after case closure and all appeals have been exhausted, then destroy.
06651	Hearing Files - Board of Claims Cases	This series documents claims against agencies within the Tourism, Arts and Heritage Cabinet such as personal injury, property claims, and lost items claims.
	Access Restrictions	KRE 503 - attorney client privilege; CR 26.02 - work product materials
	Contents	Series may contain: initial complaint; an incident report; agency's response; and correspondence.
	Retention and Disposition	Retain in agency until five (5) years after closure of case and all appeals have been exhausted, then destroy.