



Kentucky Claims Commission

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division

Approved by the State Libraries, Archives, and Records Commission



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

Claims Commission 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 Claims Commission.

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 Claims Commission, 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.

**Public Protection Cabinet
Claims Commission**

The Claims Commission was established as an independent agency of state government to better serve the citizens of the Commonwealth, to provide an efficient and effective form of government, to ensure consistent application of applicable law, and to provide for the timely adjudication of claims and appeals. It is administratively attached to the Public Protection Cabinet.

The Board of Claims, the Crime Victims Compensation Board, and the Kentucky Board of Tax Appeals were abolished and combined into one agency, the Claims Commission, pursuant to Executive Order 2016-576 and effective October 1, 2016.

RECORDS RETENTION SCHEDULE

Signature Page

Kentucky Claims Commission

Agency

December 8, 2016

Schedule Date

Unit

December 13, 2018

Change Date

December 13, 2018

Date Approved By Commission

APPROVALS

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

[Signature]
Agency Head

10/23/2018
Date of Approval

[Signature]
Agency Records Officer

10/23/2018
Date of Approval

[Signature]
State Archivist and Records Administrator
Director, Archives and Records Management Division

12/13/18
Date of Approval

[Signature]
Chairman, State Libraries, Archives, and
Records Commission

DEC 14 2018
Date of Approval

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

[Signature]
Records Analyst/Regional Administrator

11-19-18
Date of Approval

[Signature]
Appraisal Archivist

12/14/18
Date of Approval

[Signature]
State/Local Records Branch Manager

12-14-18
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

12/13/2018
Date of Approval

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection
Claims Commission
Claims

**Record Group
Number
0559**

Series	Records Title and Description	Function and Use
00891	Case Files (Not Appealed to Circuit Court) (V)	This series documents an individual's claim and the Commission's actions for compensation for damages sustained to person or property due to alleged negligence on part of the Commonwealth and its agencies and departments.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: cover sheet which details the style of case, actions taken, and claim number; notice of claim; agreed order (what agency against whom claim is filed has agreed to); orders of the Commission (final and procedural); hearing notice; agency response to claim; claim form; related correspondence.
	Retention and Disposition	Maintain database, updating as needed. Transfer paper reports to State Records Center two (2) years after final disposition and closure. Retain at State Records Center ten (10) years, destroy. Total retention is twelve (12) years.
00892	Opinions of the Full Commission (V)	This series documents the final, as well as procedural, orders, opinions, and decisions of the full Commission on claims filed by individuals against the Commonwealth, its agencies and departments for compensation for damages to person and/or property resulting from negligence on the part of the Commonwealth.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: claimants, claim number, disposition and amount of award, dismissals, denials.
	Retention and Disposition	Maintain permanently in database, updating as needed. Retain paper reports in Agency for two (2) years after all appeals have exhausted, then transfer to State Records Center for ten (10) years; destroy. Total retention is twelve (12) years.
00893	Agendas for Commission Meeting	This series documents times, dates, and topics to be discussed when full Commission meets. The Commission meets monthly.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series contains: date of meeting, location of meeting, discussion topics.
	Retention and Disposition	Retain permanently.
00894	Claims Log Book (V)	CLOSED SERIES - The agency no longer keeps log books. The Claims Log Book documents in summary form claims filed by individuals for recovery of damages against either person or property as a result of negligence on the part of the Commonwealth, its agencies and departments. Logs have been maintained in books, binders, and ledger forms.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	The log contains the following information: claim number, amount claimant is requesting for damages; county incident occurred in; style (claimant's name and who claim is filed against); description of incident; decision of Full Commission and amount awarded, if applicable, and whether or not case has been appealed and resultant decision of the court
	Retention and Disposition	Retain in Agency two (2) years after final entry; transfer to State Archives Center for permanent retention.

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection
Claims Commission
Claims

**Record Group
Number
0559**

Records Title Series and Description	Function and Use
00895 Claims Card File (V)	CLOSED SERIES - As of 1990, the agency does not use this file. This file serves as the index to case files (SN 00891 and 03064). Copy of index must accompany case files transferred to the State Archives Center for permanent storage.
Access Restrictions	Agencies should consult legal counsel regarding open records matters.
Contents	Cards contain claimant's name, claim number, final disposition of case and effective date of closure.
Retention and Disposition	Copy of index must accompany case files transferred to State Archives for permanent storage.
03064 Case Files (Appealed to Circuit Court) (V)	This series documents the circumstances of the claim filed, the disposition by the Commission and appeal to the Circuit Court. Original case file is transferred to Circuit Court when there is an appeal to that body. Upon final disposition, case file in its entirety is returned to the Commission.
Access Restrictions	Agencies should consult legal counsel regarding open records matters.
Contents	Series may contain: cover sheet (which details the style of case), actions taken, claim number, notice of claim, agreed order (what agency against whom claim is filed has agreed to), orders of the Commission (final and procedural), hearing notice, agency response to claim, claim form, related correspondence, all documentation resulting from the appeal to Circuit Court.
Retention and Disposition	Retain eight (8) years after final disposition, then destroy.

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection
Claims Commission
Crime Victims Compensation

**Record Group
Number
0559**

Series	Records Title and Description	Function and Use
00898	Case Files (Not Appealed to Circuit Court) (V)	This series documents claims filed by innocent, needy victims of violent crimes to recover medical/funeral expenses and lost wages or loss of support as a result of the crime pursuant to KRS 346.010. It also documents the recommendation of the board member who initially reviews on the claim and the final order of the Full Board.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Claim form; claimant/victim personal information; copies of medical bills; employment verification; proof of insurance; statements from county/commonwealth attorneys, if applicable, which document acquittals, convictions, and/or innocence of victim; investigation reports including the Board's and/or State Police reports; recommendation of Board member; related correspondence; and Final Order of full Board.
	Retention and Disposition	Retain in Agency two (2) years after case closure or final disposition, transfer paper reports to State Records Center for eight (8) years, then destroy. Total retention is ten (10) years after case closure.
00901	Claims Log Book (V)	CLOSED RECORD - The agency no longer uses Log Books. The Claims Log Book documents the summary form claim filed by innocent, needy victims of violent crime, opinions and awards of the Board. File was created in 1976.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Claims Log Book contains claim number, claimant's name, date of crime, date claim filed, county crime took place in, sex and age of victim, disposition of claim, reason denied if applicable, and description of crime.
	Retention and Disposition	Retain in Agency for two (2) years after final entry, then transfer to State Archives Center for permanent retention.
00902	Claims Card File (V)	CLOSED SERIES: The agency no longer uses this file. This file serves as an index to all case files (SN 00898 and SN 03065). From 1976 to 1979, index was maintained on 8.5x11 sheets of paper filed in three ring binders. Beginning in 1980, agency switched to 3x5 cards. Copy of index must accompany case files transferred to the State Archives for permanent retention.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Cards contain claimant's/victim's personal information, claim number, disposition of case and effective date of closure.
	Retention and Disposition	Copy of index must accompany case files when transferred to the State Archives for permanent retention.
03065	Case Files (Appealed to Circuit Court) (V)	This file documents the cases appealed to Circuit Court on claims filed by innocent, needy victims of violent crimes to recover medical/funeral expenses and lost wages or loss of support as a result of the crime. Upon appeal, case in original form is sent to the Circuit Court and returned to Crime Victims Compensation Board upon final disposition.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Claim application; personal claimant/victim information; medical documentation; claim investigation documentation; law enforcement, prosecution/court documentation; recommended and final orders of the Board; Appeal to Circuit Court documentation
	Retention and Disposition	Retain electronic files in Agency permanently. Retain paper records in Agency until two (2) years from date of final disposition. Transfer paper records to State Records Center for an additional ten (10) years, then destroy.

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection
Claims Commission
Crime Victims Compensation

**Record Group
Number
0559**

Series	Records Title and Description	Function and Use
06335	Recovery Files (V)	This series documents the restitution and subrogation process of award payments resulting from the financial debt incurred by innocent victims of crime as determined by Crime Victims Compensation Board, pursuant to KRS 346.010 and 216B.400. Payment of any award becomes a debt owed to the State. If an award recipient receives any monetary reclamation related to the crime, the Crime Victims Compensation Board has a right to collect amounts, including court-ordered restitution and awards from civil suits, up to the total amount paid for the claim, per KRS 346.170.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Copies of the Final Order; police report which may include the Social Security Number and date of birth of offender; Restitution Order or Sentencing/Judgment Order; copies of payment receipts; printed payment reports; civil court documents related to a civil case against an offender; and correspondence.
	Retention and Disposition	Paper files relating to restitution, subrogation (repayment through a settlement or insurance) and donations (mandatory contributions ordered by the Parole Board or Court) will be retained in agency one (1) year following case closure; electronic records will be retained twenty-five (25) years; information regarding the award amount and crime with non-personal data will be held permanently for statistical purposes.

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection
Claims Commission
Tax Appeals

**Record Group
Number
0559**

Series	Records Title and Description	Function and Use
01377	Board of Assessment Appeals Log (Tangible Property Tax Appeals)	This series documents a list of each Kentucky Board of Assessment Appeals case appealed to the Kentucky Claims Commission regarding tax assessments protested from property owners on the county level. The log provides general reference information.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Name of parties, Case number, Final order, Name of county, Ruling on the case, Date.
	Retention and Disposition	Retain permanently in Agency.
01378	Card File - Citations of Authority	CLOSED: This series is no longer created and retained as of 2007. This series documents information on Kentucky Board of Tax Appeal cases in which a judgment is made on the basis of a specific statute or other legal citing. This information is very useful in researching similar cases and is maintained separately to quickly find cases that are related. Each case with the same citing is cross-referenced.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Case names, Case number, Order number, Citations.
	Retention and Disposition	Retain permanently in Agency.
01380	Case Files	This series documents case files regarding tax appeals to the Kentucky Claims Commission per the provisions of KRS 131.110, KRS 133.120 and KRS 131.340. Any taxpayer may appeal a ruling made by the state or county government. The Commission shall review the ruling and issue an Order.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Appeal, certified mail card, docket sheet, evidence, transcript, briefs, depositions, Pleadings, Final Order.
	Retention and Disposition	Retain in Agency two (2) years after all appeals have exhausted and case is closed, then destroy.
01383	Order Books	Closed: This series is closed as of 2011. Final Orders are maintained in series 01380, Case Files. This series documents the Orders and Final Judgment of each tax appeal case heard by the Kentucky Board of Tax Appeals. Once a final ruling has been issued, a copy of the Order and/or Final Judgment is made and placed in the Order Book in numeric order.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Orders - numeric file number, name of parties, findings of fact, conclusions of law, order number.
	Retention and Disposition	Retain permanently.

Electronic System With Included Records Series

Public Protection Cabinet

Claims Commission

System Description: The Claims Tracking System is a tabular database used by Claims and Crime Victims Compensation staff to enter the claims information and track the progress of the claims through the compensation process. Staff use the system to complete their claims actions and then refer it on to the next step from entry of the claim through completion of the compensation. Data is entered by Claims Commission staff and may also be received as input from the Crime Victims Compensation Application, which is available in electronic format through the Kentucky Crime Victims Compensation Board website. Information contained in the database is restricted per 61.878 (1)(a).

System Contents: The Claims Tracking System may contain: overview of the claim, detailed claim information, status, suspense information, letters and orders, activity log, appeals, and reimbursements/payments.

Detailed claim information includes claim number, claimant information, victim information, type of crime, crime code, status, county, various dates (date received, date of crime, suspense date, agenda date, final order date, meeting dates), investigator information, board member and meeting information, reasons, original file location, copy file location, decision description, final order amount, related claims, claim style, agenda type, and expense type. Payment Received information includes ID number, payer name, payment type, reference number, receipt number, offender number, parole officer name, amount of payment received, and payment schedule.

General Schedule Items:

System Title: Claims Tracking System

Alternate Title:

Series #: ***Series Title:***

Disposition Instructions:

00891 Case Files (Not Appealed to Circuit Court)

Maintain database, updating as needed. Transfer paper reports to State Records Center two (2) years after final disposition and closure. Retain at State Records Center ten (10) years, destroy. Total retention is twelve (12) years.

System Title: Claims Tracking System

Alternate Title:

Series #:	Series Title:	Disposition Instructions:
00892	Opinions of the Full Board	Maintain permanently in database, updating as needed. Retain paper reports in Agency for two (2) years after all appeals have exhausted, then transfer to State Records Center for ten (10) years; destroy. Total retention is twelve (12) years.
00893	Agendas for Board Meeting	Retain in Agency permanently.
00898	Case Files (Not Appealed to Circuit Court)	Retain in Agency two (2) years after case closure or final disposition, transfer paper reports to State Records Center for eight (8) years, then destroy. Total retention is ten (10) years after case closure.
00899	Opinions and Awards by Board Member and by Full Board	Retain in Agency two (2) years after all appeals have exhausted, transfer to State Records Center to be included in Series 00899 or Series 03065, as applicable, for permanent retention.
00900	Agendas for Board Meetings	Retain in Agency permanently.
03064	Case Files (Appealed to Circuit Court)	Maintain record in database, updating as needed. Retain paper records in Agency two (2) years after final disposition or closure; transfer to State Records Center for ten (10) years; total retention is twelve (12) years.
03065	Case Files (Appealed to Circuit Court)	Retain electronic files in Agency permanently. Retain paper records in Agency until two (2) years from date of final disposition. Transfer paper records to State Records Center for an additional ten (10) years, then destroy.

Electronic System With Included Records Series

Public Protection Cabinet

KY Board of Tax Appeals

System Description: The Tax Appeals Management Application maintains final orders issued by the Kentucky Board of Tax Appeals. Final orders are individual case decisions which originate from board hearings of tax oriented cases. The three-member board instructs each party to present its respective case, and the board then makes a final decision.

The data entered by the KBTA is used for statistical purposes, to create acknowledgment letters, notices of hearing and lists to use as agency work sheets.

The database tracks information associated with Kentucky Tax Appeals, as stipulated under STATUTORY AUTHORITY: KRS 13B.170, 131. 340(1). No state or Federal mandate specifically governs the content of this database.

System Contents: The final ruling data within the system includes the case title (parties to the case), case file number, order content and date when order was issued. The order information is a pdf created word document.

The data entered by the staff would be parties to the case, address information, file number, appeal information.

The data contained in this environment is manually entered by internal staff. The application also maintains general correspondence sent concerning a Tax Appeal record.

General Schedule Items:

System Title: Tax Appeals Management Application

Alternate Title: TAMA

Series #: ***Series Title:***

Disposition Instructions:

01380 Case Files

Retain in Agency two (2) years after all appeals have exhausted and case is closed, then destroy.

01383 Order Books

Retain in Agency fifteen (15) years from date of Final Order, then transfer to the State Archives for permanent retention.