



Board of Cosmetology

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

Board of Cosmetology 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 Board of Cosmetology.

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 Board of Cosmetology, 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 represent 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.

Board of Cosmetology

The Board of Cosmetology was created in 1974 as the Kentucky State Board of Hairdressers & Cosmetologists to protect the health and safety of the general public; to protect the public against misrepresentation, deceit, or fraud in the practice or teaching of beauty culture; to set standards for the operation of the schools and salons; and to protect the students under the provisions of KRS Chapter 317 A. All licensees must be a graduate of an accredited and licensed School of Cosmetology. Licensees include instructors at a School of Cosmetology, cosmetologists, nail technicians, and estheticians.

RECORDS RETENTION SCHEDULE

Signature Page

Board of Cosmetology

March 14, 2019

Agency

Schedule Date

Unit

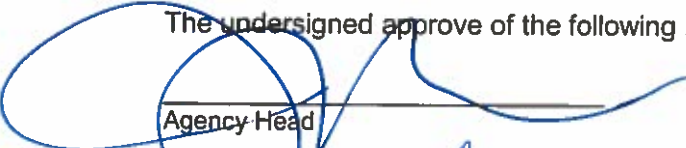
Change Date

March 14, 2019

Date Approved By Commission

APPROVALS

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

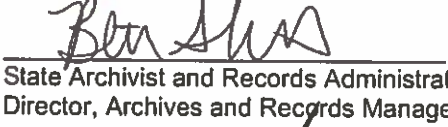


Agency Head

2/20/19
Date of Approval


Agency Records Officer

2-20-19
Date of Approval


State Archivist and Records Administrator
Director, Archives and Records Management Division

3/19/19
Date of Approval



Chairman, State Libraries, Archives, and
Records Commission

3/15/19
Date of Approval

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


Records Analyst/Regional Administrator

3-14-19
Date of Approval


Appraisal Archivist

3/20/19
Date of Approval


State/Local Records Branch Manager

3-14-19
Date of Approval

The determination as set forth meets with my approval.


Auditor of Public Accounts

3/14/19
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**

General Government
Cosmetology, Board of
Legal

**Record Group
Number
1250**

Series	Records Title and Description	Function and Use
05863	Appeals - Litigation and Hearings File	This series documents the litigation/hearings cases regarding appeals by an applicant directly affected by the Board's decision to refuse to renew a license or to deny, suspend, or revoke a license. The rulings of the Board as a result of a hearing may be appealed to the Franklin County Circuit Court.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: agreed order; evidence; inspection; name and address of applicant whose license has been renewed, denied, suspended or revoked; legal documentation; Board rulings; correspondence.
	Retention and Disposition	Retain until ten (10) years from date final disposition of proceeding and all appeals have exhausted, then destroy.
06928	Complaints - Unsubstantiated	This series documents unsubstantiated complaints brought against licensees or unlicensed individuals. These are complaints in which the Board finds that there is not sufficient cause to impose disciplinary action on a licensee, or action cannot be brought against an unlicensed individual. A cease and desist letter is sent to the unlicensed individual.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: complaint, licensee information, investigation.
	Retention and Disposition	Retain five (5) years, then destroy.
06935	Complaints - Substantiated	This series documents substantiated complaints brought against licensees and the investigations of. These are complaints in which the Board finds that there is sufficient cause to impose disciplinary action on a licensee.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: complaint, licensee information, investigation, final order.
	Retention and Disposition	Retain until ten (10) years from date of final disposition, then destroy. If appealed, transfer to series 05863, Appeals - Litigation and Hearings File.

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

General Government
Cosmetology, Board of
Licensing

**Record Group
Number
1250**

Series	Records Title and Description	Function and Use
01315	Master Folder - Individual (V)	This series documents that a person has met all the requirements to receive a license to practice as an instructor, cosmetologist, nail technician, and/or esthetician in the Commonwealth of Kentucky pursuant to KRS 317A.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name and address of applicant, date of birth, Social Security number, correspondence, photograph, examinations, grades, complaints note, license revocation, documentation of graduation from an accredited school, application for examinations, disciplinary actions.
	Retention and Disposition	Retain until five (5) years after license expiration, then destroy.
01318	Non-Licensed Examinee File (V)	This series documents students who have completed all the educational requirements pursuant to KRS 317A but did not take the required examinations to become licensed as instructors, cosmetologists, nail technicians, and/or estheticians.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name, address, and Social Security number of the applicant; name of school; date of graduation; course of study.
	Retention and Disposition	Retain until five (5) years from date of enrollment from an accredited educational institution, then destroy.
01322	School Record of Incomplete Course Enrollment	This series documents students who have enrolled in a licensed school for instructors, cosmetologists, nail technicians, or estheticians and did not complete the course of study.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name, Social Security Number, date of birth, and address of student; name of school enrolled; course of study; termination date of incompleteness of study.
	Retention and Disposition	Retain until five (5) years from date of enrollment from an accredited educational institution, then destroy.
01327	Salon Inspections	This series documents inspections for each salon operating as a place of business for instructors, cosmetologists, nail technicians, and estheticians pursuant to requirements specified in 201 KAR 12:060. Each operating business is to be inspected a minimum of two (2) times per year. Each inspection shall document areas of compliance and violations.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name and address of salon, salon owner, date and time of inspection, inspector's name, areas of compliance and/or violation.
	Retention and Disposition	Retain two (2) years, then destroy.
06929	Master Folder - School (V)	This series documents that a school has met all requirements to receive a license to operate as a school of cosmetology, a school of esthetic practices, or a school of nail technology in the Commonwealth of Kentucky pursuant to KRS 317A.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application, statement that school is authorized to operate educational programs beyond secondary education, contracts, violations.
	Retention and Disposition	Retain until five (5) years after closure or license expiration, then destroy.

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

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**STATE AGENCY RECORDS
RETENTION SCHEDULE**

General Government
Cosmetology, Board of
Licensing

**Record Group
Number
1250**

Series	Records Title and Description	Function and Use
06930	Master Folder - Salon (V)	This series documents that a salon has met all requirements to receive a license to operate in the Commonwealth of Kentucky pursuant to KRS 317A.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application, manager change form.
	Retention and Disposition	Retain until two (2) years after license expiration, then destroy.