



# Department of Financial Institutions

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

Department of Financial Institutions 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 Department of Financial Institutions.

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 Department of Financial Institutions, 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.

## **Department of Financial Institutions**

The Kentucky Department of Financial Institutions (DFI) is governed by KRS Chapters 286 and 292. DFI is the state agency responsible for the supervision of the financial services industry and for chartering, licensing and registering various financial institutions, securities firms and professionals operating in Kentucky. In order to accomplish its mission, DFI conducts examinations on state-regulated financial industries through its Division of Depository Institutions, Division of Nondepository Institutions and Division of Securities. DFI also provides educational materials and outreach to protect consumers from financial fraud and assists the industry and public through the investigation of complaints filed with the office.

DFI also works to promote economic growth through increased capital, whether by initial capitalization of private investors or retained earnings, and by flexible policies, laws and regulations that provide for competition within the industries. Primarily through the examination process, DFI determines if Kentucky's state-regulated financial institutions and securities entities are exercising safe and sound practices and/or complying with applicable laws and regulations. Depository institutions are evaluated in the areas of management, quality of assets, capital adequacy, earnings and liquidity and are checked for compliance with laws and regulations. Examiners in the Securities and Nondepository Divisions focus primarily on regulatory compliance and consumer protection issues.

The Department of Financial Institutions traces its origin to the Banking Act of 1912, which established the agency initially as the Department of Banking. It was charged with enforcing all laws relating to banks, trust companies, savings banks and combined bank and trust companies organized and doing business under Kentucky laws.

RECORDS RETENTION SCHEDULE

Signature Page

Department of Financial Institutions  
Agency

June 10, 2010  
Schedule Date

Unit


December 14, 2017  
Change Date

December 14, 2017  
Date Approved By Commission

\*\*\*\*\*

APPROVALS


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

  
Agency Head

11-6-2017  
Date of Approval

  
Agency Records Officer

11-1-2017  
Date of Approval

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

12/14/17  
Date of Approval

  
Chairman, State Archives and Records Commission


12/14/17  
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

11-9-17  
Date of Approval

  
Appraisal Archivist

1-2/13/17  
Date of Approval

  
State/Local Records Branch Manager

12/13/2017  
Date of Approval

\*\*\*\*\*

The determination as set forth meets with my approval.

  
Auditor of Public Accounts

12-14-17  
Date of Approval

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of

**Record Group**  
**Number**  
**1075 B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>06875</b>	<b>Annual Ethics Disclosure</b>	This series documents the employee's full disclosure of any indebtedness directly or indirectly to a financial institution under their supervision. The form is completed on an annual basis. Per KRS 286.1-44(3), neither the Commissioner, nor the Deputy Commissioner, nor any examiner or assistant examiner shall be indebted directly or indirectly to a financial institution under his supervision.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: employee name, employee signature, date, form year, questions regarding direct and indirect debt to a financial institution, question regarding service to a financial institution, question regarding stock holdings in a financial institution, financial institution name, financial institution city, financial institution state.
	<b>Retention and Disposition</b>	Retain in Agency four (4) year. Transfer to the State Records center for eleven (11) years, then destroy. Total retention is fifteen (15) years.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Depository Institutions, Division of

**Record Group**  
**Number**  
**1075B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>00849</b>	<b>Examiner's Report File - Closed Banks</b>	This series documents the examinations of all closed banks. The reports are completed by examiners to make sure all laws and regulations have been complied with and that the institution has conducted its business within the requirements of the Department. The examiners review the cash, bills, collateral, securities, and all other papers and books of the institution. The report also shows the disbursement of all funds of the closed bank. Under the terms of KRS 286.3-470(1), the Commissioner can take possession and close a bank for the purposes of liquidation if: 1) the bank is insolvent; 2) it has permitted its capital to become impaired to a level which does not permit it to operate in a safe and sound manner; 3) its Board of Directors has requested that the Commissioner take possession for the benefit of depositors, other creditors and shareholders; and 4) insurance of depositors' accounts has been terminated by the Federal Deposit Insurance Corporation.
	<b>Access Restrictions</b>	KRS 286.3-470 - information obtained by examination to be confidential; KRS 61.878 (1)(a) - personal information; KRS 61.878 (1)(e) - public records developed in conjunction with the regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Report of Examination, transmittal letter, bank's written response to the Report of Examination, officer's questionnaire.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after closure of bank, transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>00850</b>	<b>Examiner's Report File - Savings and Loan Association</b>	This series documents the examination conducted by the Department of Financial Institutions (DFI) of all savings and loan companies doing business in the Commonwealth of Kentucky. As required in KRS 286.5-710, the affairs of every savings and loan association not in liquidation is to be examined by DFI as often as it is deemed necessary, and at least once in every year, without any notice to the association, its officers, or agents. All books, papers, and assets of the association are checked, and the examiner reports any violation of law or any unauthorized or unfit practices.
	<b>Access Restrictions</b>	KRS 286.3-470 - information obtained by examination to be confidential. KRS 61.878 (1)(a) - personal information. KRS 61.878 (1)(e) - public records developed in conjunction with the regulation or supervision of financial institutions. Agency should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Report of Examination, transmittal letter, the savings and loan's response to the Report of Examination, officer's questionnaire.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years; transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>00852</b>	<b>Examiner's Report File - Credit Unions</b>	This series documents the examination conducted by the Department of Financial Institutions on all credit unions doing business in the state of Kentucky. Under the terms of KRS 286.6-100, credit unions are under the supervision of the Commissioner, who may make general rules and regulations, and special rulings, demands and findings necessary for the proper conduct and regulation of the business. Each credit union is, therefore, subject to examination by any person designated by the Commissioner. The Department may accept any examination made by the National Credit Union Administration pursuant to KRS 286.6-100 (2).
	<b>Access Restrictions</b>	KRS 286.6-185 - special obligation of confidentiality to credit union members; KRS 61.878 (1)(a) - personal information; KRS 61.878 (1)(e) - public records developed in conjunction with the regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Report of Examination, transmittal letter, credit union's response to Report of Examination, officer's questionnaire.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Depository Institutions, Division of

**Record Group**  
**Number**  
**1075B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>00853</b>	<b>Examiner's Report File - Banks</b>	This series documents the examination conducted by the Department of Financial Institutions on all banks doing business in the Commonwealth of Kentucky pursuant to KRS 286.3-450. Every bank doing business in the State is subject to inspection at least once every two years. An examination may be conducted more than once if the Commissioner feels it is necessary. The examiner investigates the condition and resources of the bank, the mode of conducting and managing its affairs, the actions of its directors, the investment and disposition of its funds, the safety and prudence of its management and the security to those whom engagements are held. The examiners examine the cash, bills, collateral, securities, books of accounts, and all other papers and books of the bank. The examination is to provide the Department with the necessary information to ensure the requirements of the bank's charter and that it has complied with the law in the administration of its affairs.
	<b>Access Restrictions</b>	KRS 286.3-470 - information obtained by examination to be confidential; KRS 61.878 (1)(a) - personal information; KRS 61.878 (1)(e) - public records developed in conjunction with the regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Report of Examination, transmittal letter, bank's written response to the Report of Examination, officer's questionnaire.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>00855</b>	<b>Comparative Annual and Semi-Annual Report File</b>	This series documents the activities, assets and liabilities, and the condition of all depository institutions under the supervision of the Department. Under the terms of KRS 286.3-490, the institutions are required to report to the Commissioner as frequently as he deems necessary. The purpose of the reports is to assist the Department in regulating and controlling the affairs of each institution. The reports are verified by the oath of a majority of the members of the supervisory committee, or by the oath of the president and treasurer, or secretary.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: any such report made under KRS 286.3-490, the accompanying request for report from the Commissioner.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years, then destroy.
<b>00856</b>	<b>Closed Credit Unions &amp; Savings and Loan Associations File</b>	This series documents the closure or liquidation, either voluntary or by order of the Commissioner, of a credit union or savings and loan company. The criteria for the voluntary liquidation of a credit union are defined in KRS 286.6-705. The Commissioner can temporarily suspend the operation of a credit union if it is operating in an unsafe and unsound manner. If the circumstances for the suspension of operation are not corrected, involuntary liquidation can occur.
	<b>Access Restrictions</b>	KRS 286.6-185 - special obligation of confidentiality to credit union members. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: reports of examination, notification of closure or liquidation, certificate of dissolution, application, correspondence.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after liquidation proceedings, transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>00857</b>	<b>Application File - Approved</b>	This series documents the approval of applications filed with the Department to create new banks, branches of banks, trust companies, credit unions, and service facilities. Also documented are applications received for mergers and acquisitions, combination of banks and trusts, and changes in control. The application is reviewed by the Department in light of statutory factors. If the statutory criteria are not met, the application is denied.
	<b>Access Restrictions</b>	KRS 61.878 (1)(c)(1) - open disclosure to permit unfair commercial advantage to competitors. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: application, investigation information, advertising material, Department response, related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.



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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Depository Institutions, Division of

**Record Group**  
**Number**  
**1075 B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>03384</b>	<b>Application File - Denied</b>	This series documents the denial of applications filed with the Department to create new banks, branches of banks, trust companies, credit unions, and service facilities. Also documented are applications received for mergers and acquisitions, combination of banks and trusts, and changes in control. The application is reviewed by the Department in light of statutory factors. If the statutory criteria are not met, the application is denied.
	<b>Access Restrictions</b>	KRS 61.878 (1)(c)(1) - open disclosure to permit unfair commercial advantage to competitors. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: applications, protests, investigation information, denial form, Department response, related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>03385</b>	<b>Application File - Bank Holding Company</b>	This series documents the application process when a bank holding company wants to take control of another bank (KRS 286.3). KRS 286.3 sets forth the requirements that must be met in the acquisition of banks. The control of a bank may be acquired by acquisition of voting securities, purchase of assets, merger or consolidation, or by contract.
	<b>Access Restrictions</b>	KRS 61.878 (1)(c)(1) - open disclosure to permit unfair commercial advantage to competitors. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Applications, review analysis, investigation information, Department response, related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>06829</b>	<b>Examination Work Paper File</b>	This series represents the work papers used to examine and produce examiner's reports for state-chartered depository institutions and trust companies. The examiner's reports produced as a result of this series use a composite rating scale from one to five, one being the highest or the best and five being the lowest or the worst.
	<b>Access Restrictions</b>	KRS 256.3-450; KRS 286.3-470; KRS 286.5-710; KRS 286.6-185; and KRS 61.878 (1) (a), (c), (d), (e), (k), and (l); 12 CFR 261.20. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: examiner checklists, archived files, examiner analysis, materials provided by the institution used to conduct the examination
	<b>Retention and Disposition</b>	For institutions receiving a composite rating of one (1) or two (2) on the examiner's report produced as a result of the record, retain in Agency three (3) years after issuance of the report, then destroy. For institutions receiving a composite rating of three (3), four (4), or five (5) on the examiner's report produced as a result of the record, retain in Agency three (3) years from the date the composite rating is upgraded to a one (1) or two (2), or the institution is closed (whichever occurs first) then destroy.
<b>06836</b>	<b>Trust Company Semi-Annual Report of Condition and Income</b>	This series documents the semi-annual condition and income reporting required for non-depository trust companies. This report is used in monitoring the condition, performance, and risk profile of institutions.
	<b>Access Restrictions</b>	KRS 61.878 (1)(e) - public records developed in conjunction with the regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: reports of condition and income, name, address, some of the officers and directors, balance sheet, assets under management, report date, income statement, change in Trust Company capital levels.
	<b>Retention and Disposition</b>	Retain in Agency ten (10) years, then destroy.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Depository Institutions, Division of

**Record Group**  
**Number**  
**1075 B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>06837</b>	<b>Consumer Complaint File</b>	This series documents the review of consumer complaints on state-chartered depository institutions and trust companies.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) - personal information; KRS 61.878 (1)(e) - public records developed in conjunction with the regulation or supervision of financial institutions; KRS 61.878 (1)(h) - records compiled in the process of detecting and investigating statutory or regulatory violations. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Department or other regulatory agency complaint form, information of person making complaint, additional contact information, financial institution/company information that is the subject of the complaint, the complaint, related documents and correspondence, desired resolution, financial institution response, Department response.
	<b>Retention and Disposition</b>	Retain in Agency ten (10) years, then destroy.
<b>06838</b>	<b>Enforcement Action</b>	This series documents formal and informal agreements entered into between the Department and regulated depository institutions. These are agreements between the regulators and the institutions in which expected correction actions are detailed. The agreements generally result from a less than satisfactory overall condition.
	<b>Access Restrictions</b>	KRS 61.878 (1)(e) - public records developed in conjunction with the regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Executed agreement, periodic reporting required by the agreement, Department response, related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency ten (10) years after termination of agreement, then destroy.
<b>06839</b>	<b>Depository Institution Organizational Structure File</b>	This series documents the creation, structure, and any subsequent structural changes to regulated depository institutions.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: charter, articles of incorporation, by-laws, any amendments.
	<b>Retention and Disposition</b>	Retain in Agency permanently.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Legal Services

**Record Group**  
**Number**  
**1075 S**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>06368</b>	<b>Litigation Files (V)</b>	This series documents an attorney's working litigation file when the Department of Financial Institutions is a party, whether initiated by the Department of Financial Institutions or has been named as a defendant party. This series also includes personnel actions and Board of Claims file.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Names and addresses of parties; all legal documentation, including but not limited to Complaints, Answers, Interrogatories, Depositions, exhibits, Judgments/Agreed Orders; correspondence; legal research
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after all appeals have been exhausted, transfer to State Records Center for five (5) years, then destroy. Total retention is ten (10) years after all appeals have been exhausted..
<b>06369</b>	<b>Task Files</b>	This series documents copies of all case investigative information and paperwork on non-depository, depository or securities institutions when an action has been referred to Legal Services to determine if there is cause for litigation. This record series is different than the Litigation Files, series 06368, as not case referrals to Legal Services are determined to be subject to litigation. Information in this series is used to compile the Litigation File, if legal action is warranted.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Name of institution, individuals, address, phone numbers, nature of investigation, copies of examination documents, all legal documentation, including correspondence; returned mail and certified mail receipts
	<b>Retention and Disposition</b>	Retain in Agency two (2) years from date of referral if no legal action is warranted, transfer to State Records Center for five (5) years, then destroy. Total retention is seven (7) years.
<b>06370</b>	<b>Commissioner Files (V)</b>	This series documents all original case file investigative information and paperwork on non-depository, depository or securities institutions to determine if there is just cause to proceed with legal actions or the course of action regarding investigative findings. In the event, an Administrative Order is issued, these are removed from the file and retained per M0005, Administrative Orders, of the General Schedule for State Agencies and is a permanent document.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Name of institution, individuals, address, phone numbers; nature of investigation; legal documentation; correspondence; returned mail and certified mail receipts
	<b>Retention and Disposition</b>	Retain in Agency until five (5) years after final resolution, transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years after final resolution.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Non-Depository Institutions, Division of

**Record Group**  
**Number**  
**1075B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>00851</b>	<b>Examiner's Report File - Consumer Loans</b>	This series documents the examination conducted by the Department of Financial Institutions (DFI) of all consumer loan companies doing business in the Commonwealth of Kentucky pursuant to KRS Chapter 286.4. As required in KRS 286.4-610, DFI must make an annual examination of the affairs, business, office, and records of every consumer loan company.
	<b>Access Restrictions</b>	KRS 61.878 (1)(e) - regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: the final report of examination, response to the report of examination by the licensed entity (where applicable), completed work program, questionnaires, documentation to support the Department's conclusions, recommendations regarding violations of statute and/or regulation.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years; transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>00854</b>	<b>Examiner's Report File - Industrial Loan Companies</b>	This series documents the examination conducted by the Department of Financial Institutions (DFI) of all industrial loan companies doing business in the Commonwealth of Kentucky pursuant to KRS Chapter 286.7. The licensee is subject to examination, supervision, and control by DFI per KRS 286.7-530(1).
	<b>Access Restrictions</b>	KRS 61.878 (1)(e) - regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: the final report of examination, response to the report of examination by the licensed entity (where applicable), completed work program, questionnaires, documentation to support the Department's conclusions, recommendations regarding violations of statute and/or regulation.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years; transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>00386</b>	<b>Application File - Mortgage Loan Companies and Brokers</b>	This series documents the application by a mortgage loan company or mortgage loan broker for a license to conduct business in Kentucky. Any mortgage loan company or broker may obtain a license by filing a written application with the Commissioner. A licensee may voluntarily surrender a license, or the Commissioner may deny, suspend, or revoke any license when the applicant or licensee has failed to comply with the requirements as described in KRS Chapter 286.8.
	<b>Access Restrictions</b>	KRS 61.878 (1)(c)(1) - competitor advantage. KRS 61.878 (1)(c)(2)(d) - grant or review of a license. KRS 61.878 (1)(l) - confidential by enactment of general assembly. KRS 286.8-150 (4) - regarding information obtained from Nationwide Mortgage Licensing System & Registry per Section 1512 of S.A.F.E. Mortgage Licensing Act. Agencies should consult with legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Initial application, renewal application, supporting documents, correspondence, annual reports, licensing decision documenting the approval or denial of initial application or renewal application, supporting documentation for suspensions and revocations of existing license and correspondence.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after surrender, denial, or revocation of license; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>00484</b>	<b>Examiner's Report File - Check Cashing Companies</b>	This series documents the examination conducted by the Department of Financial Institutions (DFI) of all limited check cashing, check cashing, and deferred deposit companies doing business in the Commonwealth of Kentucky pursuant to KRS Chapter 286.9. As required in 808 KAR 9:020, DFI must make an annual examination of the business, books, and records of every licensee.
	<b>Access Restrictions</b>	KRS 61.878 (1)(e) - regulation or supervision of financial institutions. KRS 61.878 (1)(l) - confidential by enactment of general assembly. KRS 286.9-090(4) - confidential information in possession or control of the commissioner. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: The final report of examination, response to the report of examination by the licensed entity (where applicable), completed work program, questionnaires, documentation to support the Department's conclusions, recommendations regarding violations of statute and/or regulation.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years; transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Non-Depository Institutions, Division of

**Record Group**  
**Number**  
**1075 B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>06057</b>	<b>Examiner's Report File - Money Transmission Services</b>	This series documents the examination conducted by the Department of Financial Institutions (DFI) of all money transmitter companies engaged in the business of money transmission in the Commonwealth of Kentucky. The examinations ensure compliance with KRS Chapter 286.11 and may be conducted by DFI representatives, by another state or federal agency, or in conjunction with either or both state and federal agencies. The Commissioner may also accept a report conducted by an independent licensed or certified accountant.
	<b>Access Restrictions</b>	KRS 61.878 (1)(e) - regulation or supervision of financial institutions. KRS 61.878 (1)(l) - confidential by enactment of general assembly. KRS 286.11-027(5) - confidential examinations. KRS 286.11-033(1) - confidentiality of data submitted to commissioner. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: The final report of examination, response to the report of examination by the licensed entity (where applicable), completed work program, questionnaires, documentation to support the Department's conclusions, recommendations regarding violations of statute and/or regulation.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>06058</b>	<b>Examiner's Report File - Mortgage Loan Companies and Brokers</b>	This series documents the examination conducted by the Department of Financial Institutions (DFI) of all mortgage loan companies and mortgage loan brokers doing business in the Commonwealth of Kentucky pursuant to KRS 286.08. These companies are under the control and supervision of DFI and are to be examined by the Department as the Commissioner deems appropriate or in the public interest.
	<b>Access Restrictions</b>	KRS 61.878 (1)(e) - regulation or supervision of financial institutions. KRS 61.878 (1)(l) - confidential by enactment of general assembly. KRS 286.8-150 (4) - information obtained from Nationwide Mortgage Licensing System & Registry per Section 1512 of S.A.F.E. Mortgage Licensing Act. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: The final report of examination, response to the report of examination by the licensed entity (where applicable), completed work program, questionnaires, documentation to support the Department's conclusions, recommendations regarding violations of statute and/or regulation.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
<b>06411</b>	<b>Complaint/Investigation Case Files</b>	This series documents the reviews conducted by the Department of Financial Institutions (DFI) to determine if any person has violated or is about to violate any provisions of KRS Chapter 286 and/or any rule or Order thereunder. DFI is authorized to conduct investigations per KRS Chapter 286. In the event a violation is found, the Commissioner may, through either an Administrative Hearing or an action filed in Franklin Circuit Court, enforce compliance with KRS 286, and may issue a Final Order directing the violators to cease and desist and/or to perform appropriate remedies to comply with provisions of KRS 286.
	<b>Access Restrictions</b>	KRS 61.878 (1)(h) - open investigations. KRS 61.878 (1)(a) - personal information, i.e., Social Security Number of individual. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Investigation reports, complaint forms, name of institution or person, address, name of investigator, date and time of alleged violation, date of investigation and findings, witness statements, documentary evidence, correspondence, Findings of Fact.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after case closure; transfer to State Records Center for five (5) years, then destroy. Total retention is ten (10) years after case closure.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Non-Depository Institutions, Division of

**Record Group**  
**Number**  
**1075 B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>06412</b>	<b>Application File - Consumer Loan and Industrial Loan Companies</b>	This series documents the application by a consumer loan company or an industrial loan company for a license to conduct business in the Commonwealth of Kentucky. Any consumer loan company or industrial loan company may obtain a license by filing a written application with Department of Financial Institutions.
	<b>Access Restrictions</b>	KRS 61.878 (1)(c)(2)(d) - grant or review of a license. KRS 61.878 (1)(e) - regulation or supervision of financial institution. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Initial application, renewal application, supporting documents, correspondence, annual reports, licensing decision documenting the approval or denial of initial application or renewal application, supporting documentation for suspensions and revocations of existing license and correspondence.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after surrender, denial, or revocation of license; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years after surrender, denial, or revocation of license.
<b>06413</b>	<b>Application File - Check Cashing Companies</b>	This series documents the application by a check cashing company for a license to conduct limited check cashing, check cashing, and deferred deposit transaction business in the Commonwealth of Kentucky. Any limited check cashing, check cashing, or deferred deposit transaction company may obtain a license by filing a written application with Department of Financial Institutions. This series also documents the approval, revocation, suspension, surrender, and reinstatement of licenses.
	<b>Access Restrictions</b>	KRS 61.878 (1)(c) - confidential or proprietary. KRS 61.878 (1)(c)(2)(d) - grant or review of a license. KRS 61.878 (1)(e) - regulation or supervision of financial institutions. KRS 61.878 (1)(l) - confidential by enactment of general assembly. KRS 286.9-090(4) - confidential information in possession or control of the commissioner. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Initial application, renewal application, supporting documents, correspondence, annual reports, licensing decision documenting the approval or denial of initial application or renewal application, supporting documentation for suspensions and revocations of existing license and correspondence.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after surrender, denial, or revocation of license; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years after surrender, denial, or revocation of license.
<b>06414</b>	<b>Application File - Money Transmission Services</b>	This series documents the application by a money transmission company for a license to conduct money transmission business in the Commonwealth of Kentucky. A money transmission company may obtain a license by filing a written application with the Department of Financial Institutions. This series also documents the approval, revocation, suspension, surrender, and reinstatement of license per KRS 286.11.
	<b>Access Restrictions</b>	KRS 61.878 (1)(c)(2)(d) - grant or review of a license. KRS 61.878 (1)(e) - regulation or supervision of financial institution. KRS 61.878 (1)(l) - confidential by enactment of general assembly. KRS 286.11-033(1) - confidentiality of data submitted to commissioner. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Initial application, renewal application, supporting documents, correspondence, annual reports, licensing decision documenting the approval or denial of initial application or renewal application, supporting documentation for suspensions and revocations of existing license and correspondence.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after surrender, denial, or revocation of license; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years after surrender, denial, or revocation of license.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Non-Depository Institutions, Division of

**Record Group**  
**Number**  
**1075 B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>06610</b>	<b>Application File - Mortgage Loan Originators and Processors</b>	This series documents the process for applicants to be licensed as a mortgage loan originator and/or mortgage loan processor pursuant to KRS 286.8-255 and the 2008 Secure and Fair Enforcement for Mortgage Licensing Act (S.A.F.E. Act). Prior to 2008, Department of Financial Institutions (DFI) retained paper copies of the information; however, those records now have been entered into the Nationwide Mortgage Licensing System and Registry (NMLS) as required by S.A.F.E. Act. Application information is currently entered into NMLS by the applicant and is accessed by DFI personnel prior to issuing licenses. DFI does not have access capabilities to modify or delete information, but NMLS is notified by applicant or DFI to make any necessary revisions. NMLS maintains the information for five (5) years from date of expiration of the licensee.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) - regarding personal information. KRS 61.878 (1)(c)(1) - competitor advantage. KRS 61.878 (1)(c)(2)(d) - grant or review of a license. KRS 61.878 (1)(l) - confidential by enactment of general assembly. KRS 286.8-150 (4) - regarding information obtained from Nationwide Mortgage Licensing System & Registry per Section 1512 of S.A.F.E. Mortgage Licensing Act. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Initial application, renewal application and the supporting documents, correspondence, licensing decision documenting the approval or denial of initial application or renewal application, supporting documentation for suspensions and revocations of existing license, correspondence, proof of pre-licensing education and continuing education.
	<b>Retention and Disposition</b>	Destroy copies of information when no longer needed. Nationwide Mortgage Licensing System and Registry retains information five (5) years from date of expiration of license.
<b>06852</b>	<b>Application File - Title Pledge</b>	This series documents the application by title pledge lenders for a license to conduct business in Kentucky. Any title pledge lender may obtain a license by filing a written application with the Commissioner. A licensee may voluntarily surrender a license; the Commissioner may also deny, suspend, or revoke any license when the licensee has failed to comply with the requirements as described in KRS Chapter 286.10.
	<b>Access Restrictions</b>	KRS 61.878 (1)(c)(2)(d) - grant or review of license. KRS 61.878 (1)(e) - regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Initial application, renewal application and the supporting documents, correspondence, licensing decision documenting the approval or denial of initial application or renewal application, supporting documentation for suspensions and revocations of existing license, correspondence.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after surrender, denial, or revocation of license; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years after surrender, denial, or revocation of license.
<b>06853</b>	<b>Examiner's Report File - Title Pledge</b>	This series documents the examination conducted by the Department of Financial Institutions of all title pledge companies doing business in the Commonwealth of Kentucky pursuant to KRS Chapter 286.10. The licensee is subject to inspection by the Commissioner or by an examiner appointed by the commissioner at least once every 24 months per KRS 286.10-230(1).
	<b>Access Restrictions</b>	KRS 61.878 (1)(e) - regulation or supervision of financial institutions. KRS 61.878 (1)(l) - confidential by enactment of general assembly. KRS 286.10-240(1) - confidentiality of examination. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: The final report of examination, response to the report of examination by the licensed entity (where applicable), completed work program, questionnaires, documentation to support the Department's conclusions, recommendations regarding violations of statute and/or regulation.
	<b>Retention and Disposition</b>	Retain in Agency five (5) years; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Securities, Division of  
 Compliance Branch

**Record Group**  
**Number**  
**1075 S**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>04877</b>	<b>Examiner's Report File - Investment Adviser</b>	This series documents the examination of the records of an investment adviser, as required in KRS 292.336(1). The examiner inspects all accounts, correspondence, memoranda, papers, and books for the purpose of determining whether the adviser is in compliance with KRS Chapter 292, Kentucky Securities Act.
	<b>Access Restrictions</b>	KRS 292.500(19) - materials, documentation, and other information confidentially disclosed to the department. KRS 61.878(1)(e) - public records developed in conjunction with the regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: Report of examination and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency seven (7) years. Transfer to State Records Center for three (3) years, then destroy. Total retention is ten (10) years.
<b>04880</b>	<b>Examiner's Report File - Broker-Dealers</b>	This series documents the examination of the records of broker-dealers, as required in KRS 292.336 (1). The examiner inspects all accounts, correspondence, memoranda, papers, books and related records to determine whether a broker-dealer is in compliance with KRS Chapter 292, the Kentucky Securities Act. A broker-dealer is any person engaged in the business of effecting transactions in securities for the account of others or his own.
	<b>Access Restrictions</b>	KRS 292.500(19) - materials, documentation, and other information confidentially disclosed to the department. KRS 61.878(1)(a) - personal information. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: Report of examination and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency seven (7) years. Transfer to the State Records Center for three (3) years, then destroy. Total retention is ten (10) years.
<b>06876</b>	<b>Examiner's Report File - Issuer Agent</b>	This series documents the examination of the records of an issuer agent, as required by KRS 292.336. In accordance with 808 KAR 10:480, the examiner inspects all accounts, correspondence, memoranda, papers, books, and related records of firms employing issuer agents for the purpose of determining compliance with KRS Chapter 292, The Securities Act of Kentucky.
	<b>Access Restrictions</b>	KRS 292.500(19) - materials, documentation, and other information confidentially disclosed to the department. KRS 61.878(1)(e) - public records developed in conjunction with the regulation or supervision of financial institutions. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: Report of examination and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency seven (7) years. Transfer to the State Records Center for three (3) years, then destroy. Total retention is ten (10) years.



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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Securities, Division of  
 Enforcement Branch

**Record Group**  
**Number**  
**1075 S**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>04883</b>	<b>Complaint/Investigation Case Files</b>	This series documents reviews carried out by the Department of Financial Institutions regarding whether any person has violated or is about to violate any provisions of the Kentucky Securities Act, KRS Chapter 292, or any Regulation or Order under the Act. The authority to conduct the investigations is found in KRS 292.460 (1). In the event of a violation, the Commissioner may issue a Cease and Desist Order, with or without a prior hearing, against the individuals engaged in the illegal activity and is appealable to Franklin Circuit Court. Such an Order without a Hearing can only be issued if the Commissioner finds that a delay in issuing it would cause harm to the public. The Commissioner may also, through the Franklin Circuit Court, enforce compliance with KRS Chapter 292; and may issue a Final Order, after Notice and Hearing, directing the violators to cease and desist from the activity and to perform appropriate remedies to comply with the Act.
	<b>Access Restrictions</b>	KRS 61.878 (1)(h) - open investigations. KRS 61.878 (1)(a) - personal information, i.e., Social Security Number of individual. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: Investigation reports including but not limited to name of institution or person, address, name of investigator, date and time of alleged violation, date of investigation and findings; witness statements; documentary evidence; correspondence; Findings of Fact.
	<b>Retention and Disposition</b>	Retain in Agency until five (5) years after case closure. Transfer to State Records Center for five (5) years, then destroy. Total retention is ten (10) years after case closure.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Securities, Division of  
 Licensing and Registration Branch

**Record Group**  
**Number**  
**1075B**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>00864</b>	<b>Withdrawn Issuers File</b>	This series is created when applications to register securities for sale in Kentucky or claims of exemptions are denied by the Division, under the terms of KRS 292.390, or companies do not complete registrations due to poor market conditions and withdraw or abandon applications for selling securities in the state by the issuer prior to effectiveness in Kentucky.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: Application forms, correspondence, registration statements, prospectuses, exhibits.
	<b>Retention and Disposition</b>	Retain in Agency until one (1) year after denial, withdrawal, or abandonment, then destroy.
<b>00868</b>	<b>Securities Registration File</b>	This series documents the registration of securities by issuers under KRS 292.350, 360, and 370 who want to do business within the State. The issuers have offerings in other states, as well as Kentucky. The series consists of issuers whose offerings of securities have been completed or terminated in Kentucky and whose registrations have been canceled.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: Application forms, correspondence, registration statements, prospectuses, exhibits.
	<b>Retention and Disposition</b>	Retain in Agency until two (2) years after termination of the offering. Transfer to the State Records Center for three (3) years, then destroy. Total retention is five (5) years after termination of the offering.
<b>00869</b>	<b>Exemptions From Registration File - (Includes private placement memoranda)</b>	This series documents companies' securities offerings that are exempt from registration. Exempt securities include any security issued or guaranteed by Canada and its provinces, any security issued by and representing an interest in or a debt of any bank or federal savings and loan association organized under the laws of the United States or individual states, securities issued by corporations formed under KRS Chapter 279, and securities issued or guaranteed by any credit union. Additional exemptions can be found in KRS 292.400. Other examples include offerings to a small number of sophisticated investors, government securities, bank stocks, etc. Most request the Division provide a written ruling on the availability of an exemption. This series also includes exemptions from registration of securities and constitute the selling literature of the securities issuers. The offerings are directed to small numbers of investors who are generally sophisticated in these matters. Furthermore, this series contains Regulation D filings. Offerings that can terminate exemptions never expire.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: Correspondence, offering circulars or prospectuses, articles of incorporation, by-laws, trust indentures, limited partnership agreements, private placement memoranda.
	<b>Retention and Disposition</b>	Retain in Agency until two (2) years after the claim of exemption expires or terminates. Transfer to the State Records Center for three (3) years, then destroy. Total retention is five (5) years after the claim of exemption expires or terminates.
<b>04876</b>	<b>Investment Adviser and Investment Adviser Representatives</b>	This series documents the registration of investment advisers and investment adviser representatives not registered with the Securities and Exchange Commission, as required in KRS 292.331 (1). An investment adviser is any person, who for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities. He also advises regarding investing in, purchasing, or selling securities; or, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. Registrations must be renewed annually.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) - personal information. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: application, proposed method of doing business, qualifications and business history, qualifications and business history of employees, financial condition and history, disciplinary actions, misdemeanor or felony convictions.
	<b>Retention and Disposition</b>	Retain in Agency until three (3) years after cancellation, withdrawal, or denial of registration. Transfer to State Records Center for five (5) years, then destroy. Total retention is eight (8) years.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Public Protection Cabinet  
 Financial Institutions, Department of  
 Securities, Division of  
 Licensing and Registration Branch

**Record Group**  
**Number**  
**1075 S**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>04879</b>	<b>Issuer Agent Registrations</b>	This series documents the registration of issuer agents, as required in KRS 292.331. An issuer agent's registration expires twelve (12) months from the date of initial approval and must be renewed at that time. An issuer agent is any individual, other than a broker-dealer, who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities. An issuer agent may voluntarily withdraw a registration or the Commissioner may deny, revoke, or suspend a registration.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) - personal information. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: Registration Form U-4, disciplinary history, financial condition and history, related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency until three (3) years after termination of registration. Transfer to State Records Center five (5) years, then destroy. Total retention is eight (8) years after termination of registration.
<b>04881</b>	<b>Covered Securities Notice Filings</b>	This series documents the notice filing for a covered security as required in KRS 292.327. A covered security is any security that is a covered security under Section 18 (b) of the Securities Act of 1933. Examples of documents the Commissioner may require to be filed include: 1) all documents that are part of a current federal registration statement filed with the Securities and Exchange Commission; and 2) documents that are a part of an amendment to a current federal registration.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: Notice form (Securities and Exchange Commission Form D), consent to service of process, related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency until one (1) year after termination. Transfer to State Records Center for four (4) years, then destroy. Total retention is five (5) years.
<b>04882</b>	<b>Covered Adviser Notice Filings</b>	This series documents the notice filing required of covered advisers, as provided for in KRS 292.332. The notice filing consists of copies of those documents that have been filed by the individual with the Securities and Exchange Commission, along with the consent to service of process. The filing must be renewed annually.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: Securities and Exchange Commission registration form, consent to service of process, related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency until three (3) years after cancellation, withdrawal, or denial of the notice filing. Transfer to State Records Center for five (5) years, then destroy. Total retention is eight (8) years.
<b>06878</b>	<b>Broker-Dealer and Agent Registration Application File</b>	This series documents the information obtained to support approval of broker-dealer and agent registration applications, as required in KRS 292.331(1). A broker-dealer means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. Broker-dealer does not include an agent, issuer, bank, savings institution, or trust company. Registrations must be renewed annually.
	<b>Access Restrictions</b>	KRS 61.878(1)(a) - personal information. Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series contains: application, proposed method of doing business, qualifications and business history, qualifications and business history of employees, financial condition and history, disciplinary actions, misdemeanor or felony convictions.
	<b>Retention and Disposition</b>	Retain in Agency until three (3) years after cancellation, withdrawal, or denial of registration. Transfer to state Records Center for five (5) years, then destroy. Total retention is eight (8) years.

---

# *Electronic System With Included Records Series*

---

## **Public Protection Cabinet**

### *Department of Financial Institutions*

#### **Office of Financial Institutions**

***System Description:*** The Kentucky Department of Financial Institutions includes an Office of Legal Services which provides a general counsel and staff attorneys. The attorneys represent the agency in all litigation and enforcement actions. Electronic - Legal Opinion Search and Retrieval (E-LOSAR) is a web-based system used to categorize and store legal opinion summaries written by Department of Financial Institutions attorneys.

***System Contents:*** E-LOSAR includes summaries of legal opinions, their assigned categories, and rendered dates. These are entered into the system via legal office staff.

#### ***General Schedule Items:***

---

***System Title:*** Electronic - Legal Opinion Research and Retrieval    ***Alternate Title:*** E-LOSAR

---

<b><i>Series #:</i></b>	<b><i>Series Title:</i></b>	<b><i>Disposition Instructions:</i></b>	<b><i>Total Retention:</i></b>
M0018	Informational and Reference Material	Destroy when no longer needed.	I

---

---

# *Electronic System With Included Records Series*

---

## **Public Protection Cabinet**

### *Department of Financial Institutions*

**System Description:** The Financial Institutions Data Online (FIDO) database is used by the Department of Financial Institutions (DFI) to develop a central web-based application to capture and track their electronic information. This application enables DFI to streamline their key business processes and ensure data availability and consistency.

**System Contents:** FIDO contains information needed to register, license, and regulate non-depository institutions. Data is entered by DFI personnel (central office and field staff) as well as external sources. External data is uploaded bi-weekly from the Central Registration Depository/Investment Adviser Registration Depository (CRD/IARD) system and weekly from the Electronic Filing Depository (EFD). External data is received daily from the National Mortgage Licensing System (NMLS).

#### **General Schedule Items:**

---

**System Title:** Financial Institutions Data Online

**Alternate Title:** FIDO

---

<b>Series #:</b>	<b>Series Title:</b>	<b>Disposition Instructions:</b>
00850	Examiner's Report File - Savings and Loan Association	Retain in Agency five (5) years; transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
00851	Examiner's Report File - Consumer Loans	Retain in Agency five (5) years; transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
00852	Examiner's Report File - Credit Unions	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
00853	Examiner's Report File - Banks	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
00854	Examiner's Report File - Industrial Loan Companies	Retain in Agency five (5) years; transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.

---

<i>Series #:</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>
00856	Closed Credit Unions & Savings and Loan Associations File	Retain in Agency five (5) years after liquidation proceedings, transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
00857	Application File - Approved	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
00864	Withdrawn Issuers File	Retain in Agency until one (1) year after denial, withdrawal, or abandonment, then destroy.
00868	Securities Registration File	Retain in Agency until two (2) years after termination of the offering. Transfer to the State Records Center for three (3) years, then destroy. Total retention is five (5) years after termination of the offering.
00869	Exemptions From Registration File	Retain in Agency until two (2) years after the claim of exemption expires or terminates. Transfer to the State Records Center for three (3) years, then destroy. Total retention is five (5) years after the claim of exemption expires or terminates.
03384	Application File - Denied	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
03385	Application File - Bank Holding Company	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
03386	Application File - Mortgage Loan Companies and Brokers	Retain in Agency five (5) years after surrender, denial, or revocation of license; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
03387	Surrendered Consumer and Industrial Loan File	Retain in Agency five (5) years after license has been surrendered, transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
04876	Investment Adviser and Investment Adviser Representatives	Retain in Agency until three (3) years after cancellation, withdrawal, or denial of registration. Transfer to State Records Center for five (5) years, then destroy. Total retention is eight (8) years.
04877	Examiner's Report File - Investment Adviser	Retain in Agency seven (7) years. Transfer to State Records Center for three (3) years, then destroy. Total retention is ten (10) years.

<i>Series #:</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>
04879	Issuer Agent Registrations	Retain in Agency until three (3) years after termination of registration. Transfer to State Records Center five (5) years, then destroy. Total retention is eight (8) years after termination of registration.
04880	Examiner's Report File - Broker-Dealers	Retain in Agency seven (7) years. Transfer to the State Records Center for three (3) years, then destroy. Total retention is ten (10) years.
04882	Covered Adviser Notice Filings	Retain in Agency until three (3) years after cancellation, withdrawal, or denial of the notice filing. Transfer to State Records Center for five (5) years, then destroy. Total retention is eight (8) years.
04883	Complaint/Investigation Case Files	Retain in Agency until five (5) years after case closure. Transfer to State Records Center for five (5) years, then destroy. Total retention is ten (10) years after case closure.
04884	Examiner's Report File - Check Cashing Companies	Retain in Agency five (5) years; transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
04885	Examiner's Report File - Sale of Checks	Retain in Agency five (5) years, transfer to the State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
06057	Examiner's Report File - Money Transmission Services	Retain in Agency five (5) years; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
06058	Examiner's Report File - Mortgage Loan Companies and Brokers	Retain in Agency five (5) years; transfer to State Records Center for ten (10) years, then destroy. Total retention is fifteen (15) years.
06875	Annual Ethics Disclosure	Retain in Agency four (4) year. Transfer to the State Records center for eleven (11) years, then destroy. Total retention is fifteen (15) years.
06876	Examiner's Report File - Issuer Agent	Retain in Agency seven (7) years. Transfer to the State Records Center for three (3) years, then destroy. Total retention is ten (10) years.
06878	Broker-Dealer and Agent Registration Application File	Retain in Agency until three (3) years after cancellation, withdrawal, or denial of registration. Transfer to state Records Center for five (5) years, then destroy. Total retention is eight (8) years.

---

# *Electronic System With Included Records Series*

---

## **Public Protection Cabinet**

### *Department of Financial Institutions*

**System Description:** The Kentucky Deferred Presentment Transaction System is an online, real-time payday lending database used to ensure lenders are complying with state law by limiting the number and amount of payday loans to consumers.

Since 1998, Kentucky Revised Statute Chapter 286.9 has limited payday lending customers to two transactions at a time totaling \$500. The term can range from 14 to 60 days and the fee can be up to \$15 per \$100 borrowed. However, there has never been a tracking system to verify, in real time, that a borrower has no more than the allowed transactions and amount.

During the 2009 session of the General Assembly, Kentucky lawmakers approved the legislation creating the database, which will be monitored by the Kentucky Department of Financial Institutions (DFI).

The Kentucky Deferred Presentment Transaction System is a secure, online database constructed and maintained by Veritec Solutions LLC, the third-party provider secured by DFI.

Database mandated by KRS 286.9-140

**System Contents:** The KYDPTS contains information needed to register individuals who enter into deferred presentment agreements. This includes full name, address, date of birth, and social security number or license numbers.

Data is entered into the database by Deferred Presentment Companies (Check Cashers, Payday Lenders) using third party tools, Voice Automation, or the www.kydpp.com web portal.

### **General Schedule Items:**

---

<b>System Title:</b>	<b>Kentucky Deferred Presentment Transaction System</b>	<b>Alternate Title:</b>	
<b>Series #:</b>	<b>Series Title:</b>	<b>Disposition Instructions:</b>	<b>Total Retention:</b>
04884	Examiner's Report File - Check Cashing Companies	Retain in Agency five (5) years; transfer to the State Records Center for ten (10) years; destroy. Total retention is fifteen (15) years.	

---



---

***System Title:*** Kentucky Deferred Presentment Transaction System

***Alternate Title:***

---

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

***Disposition Instructions:***

***Total Retention:***

06057 Examiner's Report File - Money Transmission Services

Retain in Agency five (5) years; transfer to State Records Center for ten (10) years; destroy. Total retention is fifteen (15) years.

---

# *Electronic System With Included Records Series*

---

## **Public Protection Cabinet**

### *Department of Financial Institutions*

#### **Office of Financial Institutions**

***System Description:*** The system is a secured, web-based system that allows state-licensed mortgage lenders, mortgage brokers and loan officers to apply for, amend, update or renew licenses online in Kentucky as well as in other participating states.

Each licensed company will have a single record in NMLS, regardless of the number of licenses it holds or the number of states in which it operates. Each licensed company will have access to its record in the system through a secure Web site, allowing it to conveniently view license information, apply for new licenses, amend existing licenses, and renew or surrender licenses throughout the year.

NMLS allows DFI to quickly identify and halt illegal mortgage lending activities. The system's thorough tracking and licensing ensures that a company hires only registered loan officers and that loan officers are working for licensed companies. As a result, loan officers issuing mortgage loans in Kentucky meet the state's high standards and have the required education each year to remain in business.

***System Contents:*** As of January 2, 2008, all companies holding a mortgage loan company or loan broker license must transition all of their existing license information onto NMLS. This involves creating an account for the company on the NMLS, completing a company record (Form MU1), a record for each Control Person, such as an executive officer, qualified individual and branch manager (Form MU2), and a record for each licensed branch officer (Form MU3).

Additionally, all mortgage individuals holding a mortgage registration must have a Form MU4 submitted through the NMLS. Anyone who wishes to amend a license or registration must do so through NMLS. All mortgage entities and individuals have until June 30, 2008, to complete all relevant forms and submit them through NMLS.

#### ***General Schedule Items:***

---

***System Title:*** Nationwide Mortgage Licensing System

***Alternate Title:*** NMLS

---

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

***Disposition Instructions:***

***Total Retention:***

---

***System Title:*** Nationwide Mortgage Licensing System

***Alternate Title:*** NMLS

---

<b><i>Series #:</i></b>	<b><i>Series Title:</i></b>	<b><i>Disposition Instructions:</i></b>	<b><i>Total Retention:</i></b>
03386	Application File - Mortgage Loan Companies and Brokers	Retain in Agency five (5) years after surrender, denial, or revocation of license; transfer to State Records Center for ten (10) years; destroy. Total retention is fifteen (15) years.	
06058	Examiner's Report File - Mortgage Loan Companies and Brokers	Retain in Agency five (5) years; transfer to State Records Center for ten (10) years; destroy. Total retention is fifteen (15) years.	

---

# *Electronic System With Included Records Series*

---

## **Public Protection Cabinet**

### *Department of Financial Institutions*

**System Description:** The Open Records Request database is used to track the receipt and disposition of open records requests made to the Department of Financial Institutions.

**System Contents:** Information entered includes the request received date, the information requested, the requestor, and the date/person complying with the request. Data is entered by designated central office staff.

**General Schedule Items:** M0016, M0017

---

**System Title:** Open Records Request Database

**Alternate Title:** ORR

---

<i>Series #:</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>	<i>Total Retention:</i>
M0016	Request to Inspect Public Records	Retain three (3) years, then destroy.	3
M0017	Open Records Register	Retain five (5) years, then destroy.	5

---