



Kentucky Heritage Council

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division

Approved by the State Libraries, Archives, and Records Commission



Kentucky Department for Libraries and Archives

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

Heritage Council 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 Heritage Council.

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 Heritage Council, 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.

Heritage Council

Established in 1966, the Kentucky Heritage Council/State Historic Preservation Office assists individuals, communities and local governments with making historic preservation an important component of comprehensive community planning and economic development. Kentucky has a rich heritage expressed in its prehistoric past and in its historic buildings, sites and cultural landscapes. Making a concerted effort to preserve this heritage and the built environment is integral to building successful, thriving communities.

As set forth by federal and state legislation, the Kentucky Heritage Council is charged with identifying, preserving and protecting the historic resources of Kentucky. The Heritage Council has successfully encouraged the adaptive reuse of historic buildings in all contexts and advocated that historic preservation should be a key public policy initiative to encourage economic development, provide affordable housing, revitalize downtowns and neighborhoods, provide life-long learning opportunities, and enhance Kentucky's quality of life. Additionally, as an agency of the Kentucky Tourism, Arts and Heritage Cabinet, the Heritage Council has consistently and successfully partnered with other agencies, local governments, preservation and community organizations and individuals to achieve this mission.

The Council operates under KRS 171.3801 through 171.395. It is made up of not more than sixteen members, appointed by the Governor to four-year terms.

RECORDS RETENTION SCHEDULE

Signature Page

Heritage Council
Agency

June 9, 2011
Schedule Date

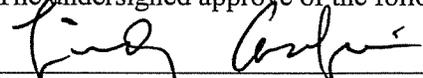
Unit

September 8, 2011
Change Date

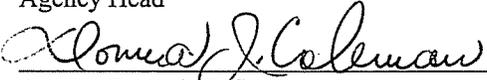
September 8, 2011
Date Approved By Commission

APPROVALS

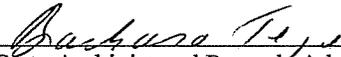
The undersigned approve of the following Records Retention Schedule or Change:


Agency Head

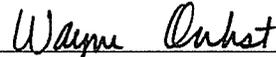
9/13/2011
Date of Approval


Agency Records Officer

9/12/2011
Date of Approval

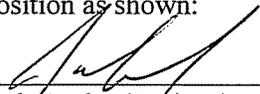

State Archivist and Records Administrator
Director, Public Records Division

9/8/11
Date of Approval

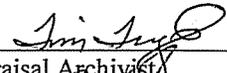

Chairman, State Archives and Records Commission

9/8/11
Date of Approval

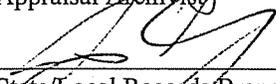
The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:


Records Analyst/Regional Administrator

9/8/2011
Date of Approval


Appraisal Archivist

9/20/2011
Date of Approval


State/Local Records Branch Manager

9/8/11
Date of Approval

The determination as set forth meets with my approval.


Auditor of Public Accounts

9.8.11
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Tourism, Arts and Heritage Cabinet
Heritage Council

Record Group
Number
1350

Series	Records Title and Description	Function and Use
01848	Restoration and Rehabilitation Project Files	This series documents the Heritage Council's review and approval of rehabilitation and restoration plans for historic buildings. Income-producing properties (such as retail businesses, apartments, bed and breakfasts, and other commercial buildings) listed in, or eligible for, the National Register may qualify for federal Historic Preservation Tax Incentives, while commercial and owner-occupied buildings listed in the National Register or contributing to a National Register district may be eligible for the Kentucky Historic Preservation Tax Credit (KRS 171.397). To qualify, proposed rehabilitation must be reviewed and approved by Heritage Council staff and done in accordance with the Secretary of the Interior's Standards for Rehabilitation. By reviewing construction plans of historic buildings, the Heritage Council ensures that changes made are compatible to the historic nature of buildings and that the historic fabric of buildings are impacted to the least possible extent.
	Access Restrictions	KRS 61.878 (1)(a) Personal Information.
	Contents	Series may contain: Application, project number, reviews, conditions, building plans, photos and related correspondence.
	Retention and Disposition	Transfer to the State Archives Center for permanent retention after project completion and audit. NOTE: Remove deed covenants and easements prior to transfer and file in Series 03077.
01849	National Register Files	This series documents the administration of the National Register of Historic Places. Administered by the National Park Service and state historic preservation offices, the National Register of Historic Places is the nation's official list of historic and archaeological resources deemed worthy of preservation. The National Register recognizes districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering and culture. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a federal program to coordinate and support public and private efforts to identify, evaluate and protect historic and archaeological resources.
	Access Restrictions	None
	Contents	Series contains: Nomination form, notification of owners and local officials, maps, photos, verification of property's listing, research information and related correspondence.
	Retention and Disposition	Retain permanently.
01850	Kentucky Historical Survey Files	This series documents Kentucky's Historical Resources Survey. Historic resources survey is an official record of historic sites recorded on survey forms that are compiled through fieldwork and research. The process is designed to answer the questions "what historic sites exist and where are they?" Each historic site is documented with photographs, mapping, written description on a form, and an entry in the Historic Sites Database. The Federal Historic Preservation Act of 1966 requires states and territories across the nation to establish this record, calling for the State Historic Preservation Officer (SHPO) to "conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties." The survey is used to help select resources for nomination to the National Register of Historic Places. National Register listing establishes a site's eligibility for grants and tax benefits, and provides planning data for federal, state, and local projects.
	Access Restrictions	None
	Contents	Series contains: Survey form, plans, continuation sheets, newspaper clippings, photos, maps and related correspondence and related documents.
	Retention and Disposition	Retain permanently.

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Series	Records Title and Description	Function and Use
01851	Cultural Resource Review Files	This series documents cultural resource reviews conducted by Heritage Council staff. The National Historic Preservation Act of 1966, Section 106, requires federal agencies to consider the effects of their activities on properties listed, or determined eligible for listing, on the National Register of Historic Places. These activities include any federally funded, permitted, or licensed project. In many instances, the federal agency delegates responsibilities to the applicant (e.g., the state agency, city, utility, area development district, or developer who is receiving federal funds, or applying for a federal permit or license). Although reviews do not guarantee historic properties will not be impacted by an undertaking, they do provide the opportunity to consider potential adverse effects and evaluate alternatives to avoid or minimize them.
	Access Restrictions	16 U.S.C. 470w-3 (3a)(3b)(3c).
	Contents	Series may contain: Application for federal assistance, maps, project number, review letters/agreement letters, Memorandum of Understanding, Memorandum of Agreement, Programmatic Agreement, survey forms, cultural reports and related documents and related correspondence.
	Retention and Disposition	Retain review and agreement letters permanently. Retain remainder of files for twenty (20) years after final project approval.
03077	Deed Covenants and Easements Files	This series documents deed covenants and easements which may be mandated by funding, result from mitigation of federal projects and/or may result from the donation of private persons.
	Access Restrictions	None
	Contents	Series may contain: Easement/Deed Covenant, county clerk documents, photos, inspections, maps and related documents.
	Retention and Disposition	Retain in agency for sixteen (16) years after expiration and audit, then destroy.
04185	Main Street Program Files	This series documents activities involved in the Downtown Revitalization Kentucky Main Street Program initiated by the Heritage Council in 1979. This program seeks to reverse economic decline in central business districts and to preserve Kentucky's many historic commercial buildings by aiding local authorities in developing viable uses for them. Main Street is a self-help program which is locally initiated, guided and implemented. Communities receive advice on funding opportunities, business recruitment, storefront improvement and various forms of technical assistance from the Kentucky Main Street staff to aid in local efforts to revitalize downtowns. Certification by the Kentucky Heritage Council makes Kentucky Main Street cities eligible for participation in Renaissance programs. The process is based on National Main Street Program Four-Point Approach to Downtown Revitalization.
	Access Restrictions	None
	Contents	Series may contain: Quarterly/annual progress reports, record of technical assistance provided to local contact, related documents and correspondence.
	Retention and Disposition	Retain in agency for three (3) years, then destroy.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Tourism, Arts and Heritage Cabinet
 Heritage Council

Record Group
Number
1350

Series	Records Title and Description	Function and Use
06142	Case Files	This series documents litigation of specific cases by the Kentucky Heritage Council's staff attorney, either filed against the Council or on behalf of the Council. The Council exhausts every internal or administrative means of settling a case through consultations or negotiations before going before the courts. Examples of what may initiate a case file may be public dissatisfaction with a determination of eligibility for listing in the National Register (36 CFR Part 61), violation of easements held by the Kentucky Heritage Council (KRS 382.820), and determinations issued by the Council pursuant to Section 106 under the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., and implementing regulations (36 CFR Part 800). A case is considered closed when all appeals have been exhausted from the Court of competent jurisdiction, either state or federal.
	Access Restrictions	None
	Contents	Series may contain: Proceedings, motions, actions, orders, judgments, case numbers, hearing transcripts, subpoenas, settlement agreements, Declarations of the State Historic Preservation Officer, Intent and Declaration of Public Policy and related documents and correspondence.
	Retention and Disposition	Retain permanently in agency.
06143	Attorney's Working Files	This series documents a Kentucky Heritage Council (KHC) staff attorney's working files regarding legal issues that may arise related to federal statutory and regulatory responsibilities under the National Historic Preservation Act of 1966 (NHPA), 16 U.S.C. 470 et seq., and KRS 171.3801-171.397. Legal Issues include those related to KHC's review process and practices of the for publicly funded, assisted, and licensed undertakings that may affect historic properties within the state; those related to participation in the review of federal, federally assisted, and federally licensed undertakings that may affect historic properties included or eligible for inclusion on the National Register under Section 106 of NHPA and Executive Order 11593; those arising from KHC's procedures and practices related to nomination of historic properties to the National Register of Historic Places; and those related to assisting local governments in developing preservation ordinances to protect historic properties (KRS 171.381(7)).
	Access Restrictions	KRS 61.878(1)(a)(h)(i)(j)(l), Personal information; administrative investigations; preliminary drafts/recommendations; KRE 503, attorney-client privilege, work product.
	Contents	Series may contain: Copies of proceedings, motions, actions, orders, judgments, case numbers, hearing transcripts, subpoenas, settlement agreements, Declarations of the State Historic Preservation Officer, Intent and Declaration of Public Policy, attorney's notes and drafts and related documents and correspondence.
	Retention and Disposition	Retain in agency for seven (7) years after case is closed, then destroy.