Board of Social Work

Records Retention Schedule

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

Board of Social Work 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 Board of Social Work.

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 Board of Social Work, 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 serves as a records officer. The agency records officer represent that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.
Board of Social Work

Created in 1974, the Board of Social Work examines and licenses all eligible candidates for entry into the profession of Social Work. It recommends appropriate changes in the law to assure fairness and equality. The Board conducts formal hearings when necessary and prosecutes by due process any violators of KRS 335.010 to 335.170.
RECORDS RETENTION SCHEDULE

Signature Page

Board of Social Work
Agency

March 14, 2013
Schedule Date

Unit

Change Date

March 14, 2013
Date Approved By Commission

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APPROVALS

The undersigned approve the following Records Retention Schedule or Change:

Margaret Spiller
Agency Head

3-15-13
Date of Approval

June M. Angeli
Agency Records Officer

3-15-13
Date of Approval

Barbara J.
State Archivist and Records Administrator

3/14/13
Date of Approval

Director, Public Records Division

State Archives and Records Commission

3/14/2013
Date of Approval

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

Pam Compton
Records Analyst/Regional Administrator

March 14, 2013
Date of Approval

Jan Fry
Appraisal Archivist

3/14/2013
Date of Approval

State/Local Records Branch Manager

3/14/13
Date of Approval

The determination as set forth meets with my approval.

3/14/13
Date of Approval

Author of Public Accounts
<table>
<thead>
<tr>
<th>Records Title and Description</th>
<th>Function and Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>00504 Licensee File</td>
<td>This series documents the activities related to licensing and regulating social workers governed by the Board of Social Work. There are three classifications of social workers: (1) &quot;Certified social worker&quot; as defined per KRS 335.080; (2) &quot;Licensed social worker&quot; as defined per KRS 335.090 and (3) &quot;Licensed Clinical Social Worker&quot; defined per KRS 335.100. Licenses are renewed every three (3) years.</td>
</tr>
<tr>
<td>Access Restrictions</td>
<td>KRS 61.878 (1)(a) re personal information</td>
</tr>
<tr>
<td>Contents</td>
<td>Series may contain: Original application; educational history, including transcripts and/or diplomas; pass/fail test score; License fee; correspondence</td>
</tr>
<tr>
<td>Retention and Disposition</td>
<td>Retain in Agency ten (10) years after expiration of license, then destroy.</td>
</tr>
<tr>
<td>00505 Licensee Log</td>
<td>This series represents a listing of licensed social workers in the Commonwealth of Kentucky.</td>
</tr>
<tr>
<td>Access Restrictions</td>
<td>Series may contain: Name and business address; social worker classification; issuance date of license; expiration of license.</td>
</tr>
<tr>
<td>Retention and Disposition</td>
<td>Retain in Agency permanently and update as needed.</td>
</tr>
<tr>
<td>00508 Denied Applicant File</td>
<td>This series documents applicants to become licensed social workers whom the Board has denied issuance of a license due to failure to meet requirements of KRS 335.010 to 335.160, including but not limited to: failure to submit documentation for proof of education requirements; failure to pay license fees; or failure to pass examination.</td>
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<tr>
<td>Contents</td>
<td>Series may contain: Application stating name, address, date of birth and Social Security Number; and may include education history; license fee; examination failure; and correspondence.</td>
</tr>
<tr>
<td>Retention and Disposition</td>
<td>Retain in Agency ten (10) years after date of denial of issuance of license or submission of application, then destroy.</td>
</tr>
<tr>
<td>06435 Disciplinary Action File (V)</td>
<td>This series documents disciplinary actions regarding licensed social workers taken by the Board or sanctions issued at an administrative hearing or criminal court for violation(s) of KRS 335.010 - 335.160 and the regulations promulgated thereto. In the event a license is suspended or revoked, the licensee file (Series 00504) is incorporated into this series and retained permanently per federal requirement.</td>
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<tr>
<td>Contents</td>
<td>Series may contain: Name, address, Social Security Number, date of birth, place of employment of licensee; complaint and/or nature of disciplinary action, including date and offense documentation; disciplinary action taken and by whom; legal documents; correspondence; and if applicable, court proceeding documentation, including Court Orders.</td>
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<tr>
<td>06436 Temporary Permit File</td>
<td>This series documents temporary permits granted to applicants who have completed the requirements for licensure except for examination and have been approved by the Board to sit for the national examination per KRS 335.070 (1) and 201 KAR 23:015. A temporary permit is valid until a license is issued or denied under the provisions of KRS 335.080 -.100; however, a temporary permit shall not extend for more than two hundred forty (240) days after the applicant has applied for licensure per 201 KAR 23:015 (7).</td>
</tr>
<tr>
<td>06437 Dismissed Grievance/Complaint File</td>
<td>This series documents grievances and complaints filed against licensees for which the investigations indicate the allegations are unsubstantiated, resulting in the dismissal of the grievance and/or complaint by the Board.</td>
</tr>
<tr>
<td>06438 Continuing Education Provider Application File</td>
<td>This series documents applications and pre-approval by the Board for providers of continuing education training pursuant to 201 KAR 23:075 (4). The approved classes/workshops are taken by licensees to fulfill continuing education requirements. Providers must submit applications annually.</td>
</tr>
<tr>
<td>06439 Licensee Renewal File</td>
<td>This series documents license renewal applications and documentation of the continuing education requirements pursuant to requirements of KRS 335.010 -335.160 and 201 KAR 23:075.</td>
</tr>
</tbody>
</table>
### Records Title and Description

- **Series and Description:** Incomplete and Withdrawn Applications File

### Function and Use

This series documents incomplete or withdrawn applications submitted by applicants for license and certification.

### Access Restrictions

- **KRS 61.878 (1)(a) re personal information**

### Contents

Series may contain: Original application and related documentation.

### Retention and Disposition

Retain in Agency one (1) year after date of submission of application, then destroy.
System Description: The Board of Social Work Shared I Drive is used by the Board of Social Work to manage and maintain records essential to the functioning of the agency, such as licensee files, disciplinary action files, and licensee renewal files. All operational files are saved in organized folders by major topic on the secured drive, accessible by user name and password only to agency staff. The information and data is entered by board office staff, including full-time employees and temporary staff hired through contract agencies. There is no state or federal mandate governing the system.

System Contents: The Board of Social Work Shared I Drive may contain: license applications, temporary permit requests, supervision related documents, retained board records, disciplinary records, official board orders, official board correspondence, financial records including the budget and financial statements, continuing education applications and supporting attachments, and other board-related correspondence and data.

General Schedule Items:

<table>
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</tr>
<tr>
<td>06436</td>
<td>Temporary Permit File</td>
<td>Retain in Agency three (3) years after date of submission of application, then destroy.</td>
</tr>
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<td>06437</td>
<td>Dismissed Grievance/Complaint File</td>
<td>Retain in Agency ten (10) years after date of dismissal, then destroy.</td>
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