South Jakota

ABSTRACTERS' BOARD OF EXAMINERS

RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589

ACKNOWLEDGEMENTS

PREPARED BY:

Bureau of Administration Records Management Program 104 S Garfield Avenue; Building E c/o 500 East Capitol Avenue Pierre, South Dakota 57501-5070

2018

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Chelle Somsen, State Archivist Department of Education

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Dana Hoffer State Records Manager



DEPARTMENT OF EXECUTIVE MANAGEMENT

BUREAU OF

ADMINISTRATION

RECORDS MANAGEMENT PROGRAM 104 S Garfield Avenue c/o 500 East Capitol Avenue Pierre, SD 57501-5070 Phone: (605) 773-3589 Fax: (605) 773-5955

PMB 01234

MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer State Records Manager

SUBJECT: Records Retention and Destruction Schedule Manual

DATE: January 4, 2019

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that "No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value."

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.

PETITION FOR AUTHORITY TO DESTROY RECORDS

I, <u>Paul Kinsman</u> (name), acting in my position as <u>Secretary of the Department of Revenue and Regulation</u> (title), request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the <u>Abstracters' Board of Examiners</u> (department) consists of <u>12</u> pages and contains record series number(s) <u>ABE-1 (consecutively re-numbered) through ABE-16.</u>

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

Authority is also requested to delete "Records Retention and Destruction Schedule" Authorization of the <u>Abstracters' Board of Examiners</u> (department) record series numbers(s) <u>AB-2</u>, <u>AB-3</u>, <u>AB-12</u>, <u>AB-15</u>, <u>AB-15</u>, <u>AB-18</u>, <u>AB-19 thru AB-21</u>, <u>AB-23</u>, and <u>AB-24</u>.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.

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Paul Kinsman, Secretary of the Dept. of Revenue and Regulation

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction

Board.

Dana Hoffer, State Records Manager

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the _11th ____ day of ___December____, <u>2008</u>, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.

Signature, Chairman of the Board

12-11-D8

<u>/↓</u>_/_08 Date

12-11-08 Date

PETITION FOR AUTHORITY TO DESTROY RECORDS

I, <u>Marcia Hultman</u>, acting in my position as the <u>Secretary of the Department of Labor and Regulation</u>, requests that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02. The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the <u>Abstracters' Board of Examiners</u> consists of <u>8</u> pages and contains record series number(s) <u>ABE-3</u>, <u>ABE-5</u>, <u>ABE-6</u>, <u>ABE-7</u>, <u>ABE-9</u>, <u>ABE-10</u>, <u>ABE-11</u>, <u>ABE-12</u>, <u>ABE-13</u>, <u>ABE-14</u>, <u>ABE-15</u>, <u>ABE-16</u>.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

Authority is also requested to delete "Records Retention and Destruction Schedule" Authorization of the <u>Abstracters' Board of Examiners</u> record series number(s) <u>ABE-4 and ABE-8</u>.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.

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Marcia Hultman, Secretary of the Department of Labor and Regulation

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction

Board.

Dana Hoffer, State Records Manager

11-16-18 Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the ___6th___ day of __December____, <u>2018</u>, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.

Scott Bollinger, Chairman of the Board

<u> /-3-19</u> Date

<u>11-5-18</u> Date

South Dakota Codified Laws:

1-27-1. Public records open to inspection and copying. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts there from during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

1-27-1.1. Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

1-27-9. Records management programs--Definition of terms. Terms used in §§ 1-27-9 to 1-27-18, inclusive, mean:

(2) "Record," a document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.

1-27-11. Board to supervise destruction of records--State records manager as ex officio member--Permission required for destruction. There is hereby created a board consisting of the commissioner of administration, state auditor, attorney general, auditor-general, and state archivist to supervise and authorize the destruction of records. The state records manager shall also serve as an ex officio member in an advisory capacity only. No record may be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of the board that the record has no further administrative, legal, fiscal, research, or historical value.

1-27-15. Destruction of non-record materials. Any non-record material not included within the definition of records as contained in § 1-27-9 may be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.

Definitions:

- **Superseded:** To take the place of; replace.
- **Obsolete:** No longer in use.

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Labor and Regulation Secretary Boards and Commissions Abstracters' Board of Examiners Jim Dornbusch 1188

RECORD AUTHORITY SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE NUMBER

ABE-1. <u>ADMINISTRATIVE REFERENCE FILE:</u>

08-002

R.D.B.

This series may be arranged by subject matter and contains information used in the daily administration of the program or office. Information may include, but is not limited to: budget, equipment, inventory, legislation, organization/association, and property management information; monthly reports; policies and procedures; reference manuals; logs; rules and regulations; mailing lists; general correspondence and any other related information. This record series is maintained for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: Review files on a yearly basis to avoid build-up of superseded or obsolete materials.)

Labor and Regulation Secretary Boards and Commissions Abstracters' Board of Examiners Jim Dornbusch 1188

RECORD AUTHORITY SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE NUMBER

ABE-2. ADMINISTRATIVE RULE PROMULGATION FILES:

08-002

R.D.B.

This series contains notices of public hearings, affidavits of publication of notices, written comments from the public, and transcripts from the hearings. Files have little reference activity once their hearing has been held unless someone requests a copy of the transcript. Information serves to document the proper promulgation of administrative rules pursuant to SDCL 1-26.

RETENTION: Retain in office for as long as rules are in effect, then destroy.

(NOTE: SDCL 1-26-7 states in part, that "Each agency shall keep the original records, documents, and instruments required by this chapter". There is no time frame included for these records. Since SDCL 1-26-6.8 provided that "No rule is enforceable in the Courts unless properly adopted", the records must be maintained at least until a curative statute has been adopted by the Legislature similar to SDCL 1-26A-2, which cures all defects in adoption of rules appearing in the 1974 ARSD. Consider maintaining on microfilm instead of paper.)

(Note: The previous record series number was AB-1.)

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 Labor and Regulation

 Secretary

 Boards and Commissions

 Abstracters' Board of Examiners

 :
 Jim Dornbusch

 1188

RECORD AUTHORITY SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE NUMBER

ABE-3. <u>AUDIT REPORTS:</u>

This series is arranged chronologically, and contains Legislative Audit reports concerning the expenditure and administration of funds. Information includes: cover letters, statement of assets, revenues and expenditures, change of fund cash balances, and observations and recommendations. The reports are reviewed to identify problem areas and discrepancies so that corrective measures may be implemented.

RETENTION: Retain 4 years in office then, destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Legislative Audit maintains reports permanently.)

(Note: The previous record series number was AB-4.)

ABE-5. <u>BOARD MEMBER FILES:</u>

This series is arranged alphabetically and contains information regarding individual Board members. Information may include: letters of appointment, terms, expiration dates, and correspondence. This record series is maintained to document member appointments to the Abstracters' Board of Examiners, and any related information pertaining to each.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: The previous record series number was AB-6.)

18-015

18-015

Labor and Regulation Secretary **Boards and Commissions Abstracters' Board of Examiners Jim Dornbusch** 1188

RECORD AUTHORITY TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE SERIES NO. NUMBER

ABE-6. **BUDGETARY ACCOUNTING/MSA REPORTS:**

18-015

R.D.B.

These monthly and year-end computer generated reports are used to monitor and reconcile fiscal year receipts and expenditures. Reports may include, but are not limited to: Daily Revenue and Journal Voucher Detail Reports, Daily Transaction Registers, Status Registers, Activity Budget Status, Weekly Sub-Fund Reports, Advance Travel-Accounts Receivables, Transaction Progress Reports, Monthly Revenue and Journal Voucher Detail Reports, Revenue Analysis Reports, General Ledger Trail Balances, and Monthly Expenditure Reports. This record series is maintained for audit purposes.

RETENTION: Retain 4 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: The previous record series number was AB-7.)

ABE-7. CASH RECEIPT TRANSMITTAL:

This series contains the standard forms used to deposit funds into the State Treasury. Information may include: agency name and code, agency receipt number, date, fund, sub-fund, revenue source, description, and amount. The original and two copies are forwarded to the State Treasurer along with receipts for deposit. A copy is kept for reference and audit purposes. This record series is maintained for documenting and crediting each account with amounts deposited.

RETENTION: Retain 4 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: The previous record series number was AB-8.)

18-015

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RECORD AUTHORITY SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE NUMBER

ABE-9. <u>COMPLAINT FILES:</u>

This series contains all related correspondence received from either the general public or initiated by the Abstracters Board of Examiners concerning problems which have occurred with abstracters. Information may include: nature of the complaint, related correspondence, investigation of the allegation, conclusion of the investigation, and related materials. This record series is used by the Board to determine if a complaint is substantiated and if so, to take corrective action. If the complaints are substantiated, this information is then placed in each respective "License Files, Abstracters".

RETENTION: Retain unsubstantiated 5 years in office. Destroy 5 years after determined to be unsubstantiated provided no litigation is pending.

Retain substantiated until case closed, then transfer to the respective "License Files, Abstracters", and maintain for 5 years after last license expiration. Destroy 5 years after last license expiration provided no litigation is pending.

(Note: The previous record series number was AB-10.)

18-015

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RECORD AUTHORITY SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE NUMBER

ABE-10. CONTRACT AND AGREEMENT FILES:

18-015

R.D.B.

This series contains contracts and agreements between the Abstracters Board of Examiners and other parties. Information may include: terms and conditions of the contracts and agreements, effective dates, costs, and funding sources. This record series is kept for reference and documentation purposes.

RETENTION: Retain current in office. Destroy 6 years after terminated provided that no litigation is pending.

(Note: SDCL 1-24A-1 requires that a copy of all consultant contracts to be filed with the State Auditor within 5 days after such contract is entered into and finally approved by the contracting parties. All consultant contracts should be filed with the Office of the State Auditor prior to the work being performed.)

(Note: The previous record series number was AB-11.)

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RECORD AUTHORITY SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE NUMBER

ABE-11. EXAMINATION RECORDS:

This series is arranged alphabetically by licensee and summarizes examinations passed or failed, and when applicants are eligible for reexamination. Information may include: date, applicants' name and address, date applicant is eligible for reexamination, copies of passed/failed examinations, and examination scores. This record series is used to document examination results during the licensing process, and to notify eligible applicants of upcoming examination dates, and for annual reporting purposes.

RETENTION: LICENSED: Transfer to the respective "License Files, Abstracters."

NON-LICENSED: Retain 2 years in office, then destroy.

(Note: The previous record series number was AB-13.)

ABE-12. FINANCIAL STATEMENTS:

This series is arranged chronologically and contains financial statements which provide an overview of the Board's financial condition for a given fiscal year. Information may include: Balance Sheet, Statement of Revenues, Expenditures and Changes in Fund Balances--Budget and Actual, Statement of Assets and Fund Cash Balances, Statement of General Fixed Assets, summary of significant accounting procedures, supplemental information, and working papers. This record series is maintained for reference and audit purposes.

RETENTION: Retain 4 years in office, then destroy, provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: The previous record series number was AB-14.)

18-015

18-015

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RECORD AUTHORITY SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE NUMBER

ABE-13. LICENSE FILES, ABSTRACTERS:

This series is arranged numerically and documents personal data for licensed abstracters. Information may include: original applications, college grade transcripts, renewal applications, verification of experience, examination score, license number, license and renewal fee receipts, investigation reports, court action records, and substantiated complaints. This record series documents the licensing and renewal process, and is used for basic reference when answering questions concerning licensed abstracters in South Dakota.

RETENTION: Retain 5 years in office after expired. Destroy 5 years after last license expiration.

(Note: Consider converting to microfilming.)

(Note: The previous record series number was AB-16.)

ABE-14. MINUTES, BOARD OF ABSTRACTERS:

18-015

This series is arranged chronologically and contains the official minutes of the Abstracters Board of Examiners meetings. Information may include: copies of agendas, dates of meeting, members present, topics discussed, actions taken, approving signature, copies of the budget reports, application records, and inspection reports. This record series is used for reference and documentation purposes concerning actions taken by the Board.

RETENTION: Retain in office permanently.

(Note: Consider converting to microfilming.)

(Note: The previous record series number was AB-17.)

18-015

Labor and Regulation Secretary Boards and Commissions Abstracters' Board of Examiners Jim Dornbusch 1188

RECORD AUTHORITY SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE NUMBER

ABE-15. <u>RECEIPTS:</u>

This series is arranged numerically and documents all receipts of money. Information may include: date issued, received of, address, amount, form of payment, purpose, and received by signature. This record series is used for audit purposes.

RETENTION: Retain 4 years in office. Destroy 4 years after last entry provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: The previous record series number was AB-22.)

ABE-15.1. SURPLUS PROPERTY FILES:

This series contains the form submitted to the director of South Dakota Property Management for approval to dispose of State-owned personal property and the written notification received from Property Management designating the manner of disposal. Information may include: agency name; date; address or location of property; phone number; name of individual requesting; Property Management Officer's name; description of item(s); quantity; serial number; equipment number; desired method of disposal as authorized; reason for declaring property as surplus; estimate of current value; suggested selling price; minimum acceptable price; statement of content; fixed asset number, if applicable; and any other information deemed necessary. This record series is maintained pursuant to SDCL 5-24A.

RETENTION: Retain 4 years in office, then destroy, provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken

R.D.B.

18-015

18-015

DEPARTMENT: DIVISION: OFFICE: PROGRAM: RECORDS OFFICER: RM CUSTOMER #:

Labor and Regulation Secretary Boards and Commissions Abstracters' Board of Examiners Jim Dornbusch 1188

RECORD AUTHORITY SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE NUMBER

ABE-16. VOUCHERS:

This series is arranged chronologically and may contain copies of travel, non-cash, direct, receiving, and journal vouchers. Each voucher includes: nature of expense, amount, fund expended from, date, who the funds went to, or what account they were transferred to, and the authorized signatures. This record series is used for reference to determine quantities and descriptions of supplies and services ordered, for vendor information, and audit purposes.

RETENTION: Retain 4 years in office then destroy, provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: The previous record series number was AB-25.)

18-015