



DIVISION OF BANKING

RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589

ACKNOWLEDGEMENTS

PREPARED BY:

Bureau of Administration
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2018

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The employees of the Division of Banking who contributed their time to explain the purpose and review the content of each record.

Dana Hoffer
State Records Manager

Connie Nold
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STATE RECORD DESTRUCTION BOARD

Scott Bollinger, Commissioner
Bureau of Administration
(Chairman)

Chelle Somsen, State Archivist
Department of Education

Marty Guindon, State Auditor General
Legislative Audit

Pat Archer
Office of the Attorney General

Jenna Latham
Office of the State Auditor

Dana Hoffer
State Records Manager



DEPARTMENT OF
EXECUTIVE MANAGEMENT
**BUREAU OF
ADMINISTRATION**

PMB 01234

RECORDS MANAGEMENT PROGRAM
104 S Garfield Avenue
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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

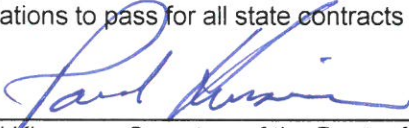
I, Paul Kinsman (name), acting in my position as Secretary of the Department of Revenue and Regulation (title), request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Division of Banking (department) consists of 9 pages and contains record series number(s) BANK-1 (consecutively re-numbered) through BANK-15.

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 Division of Banking (department) record series numbers(s) COM-99, COM-99-1, COM-100 thru COM-103, COM-106 thru COM-109, COM-113, COM-114, COM-116, and COM-117.

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.



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

12-1-08
Date

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



Dana Hoffer, State Records Manager

12-11-08
Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 11th day of December, 2008, 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

12-11-08
Date

PETITION FOR AUTHORITY TO DESTROY RECORDS

I, Marcia Hultman, acting in my position as the Secretary of the Department of Labor and Regulation, 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 Department of Labor and Regulation Division of Banking consists of 8 pages and contains record series number(s) BANK-2, BANK-3, BANK-4, BANK-5, BANK-6, BANK-7, BANK-8, BANK-9, BANK-10, BANK-11, BANK-12, BANK-13, BANK-14, and BANK-15.

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 Division of Banking record series number(s) BANK-16.

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.

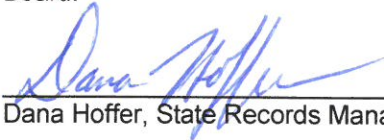


Marcia Hultman, Secretary of the Department of Labor and Regulation

11-5-18

Date

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



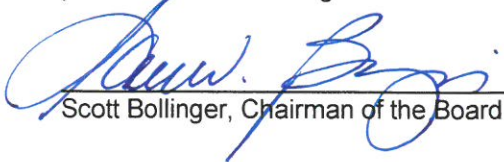
Dana Hoffer, State Records Manager

11-16-18

Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 6th day of December, 2018, 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

1-3-19

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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STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Labor and Regulation
DIVISION: Banking
OFFICE: Banking
PROGRAM: _____
RECORDS OFFICER: Jim Dornbusch
RM CUSTOMER #: 0004

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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BANK-1. ADMINISTRATIVE REFERENCE FILES:

08-004

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

(Note: The previous record series number was COM-91.)

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BANK-2. ADMINISTRATIVE RULES, PROMULGATION FILE:

18-013

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

RETENTION: Retain paper and electronic files 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 provides 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 printed ARSD.)

(Note: Consider converting to microfilm.)

(Note: The previous record series number was COM-92.)

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PROGRAM: _____
RECORDS OFFICER: Jim Dornbusch
RM CUSTOMER #: 0004

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BANK-3. APPLICATIONS, STATE-CHARTERED BANKS AND TRUST COMPANIES:

18-013

This series is arranged chronologically by year of application and contains the applications filed with the Banking Commission/Division. Information may include: application, attachments (if any), survey report, and letters of recommendation, correspondence, and any copy of the transcript of any hearing.

RETENTION: Prior to 2010: Retain paper applications permanently.

2010 and later: Retain electronic files permanently.

(Note: Consider converting to microfilm.)

(Note: The previous record series number was COM-94.)

BANK-4. ARTICLES OF INCORPORATION AND BYLAWS:

18-013

This series is arranged alphabetically by name of institution and may contain Articles of Incorporation and bylaws. This record series is used for reference purposes by the Division.

RETENTION: ARTICLES OF INCORPORATION: Retain existing microfilm and/or paper until institution ceases to exist, then destroy.

BYLAWS: Retain electronic copies current. Destroy superseded or obsolete.

(Note: Articles of Incorporation/Organization for bank and trust companies kept on-line by the Secretary of State.)

(Note: The previous record series number was COM-95.)

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PROGRAM: _____
RECORDS OFFICER: Jim Dornbusch
RM CUSTOMER #: 0004

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BANK-5. BANK LIST:

18-013

This series contains a listing of banks and is stored in a searchable electronic database. Information may include: city, official name of bank, and a list of the current managing officers. This record series is maintained for convenience of reference concerning bank names and officer names. The file is also used for numerous public inquiries.

RETENTION: Retain information current.

(Note: Records are continuously updated and searchable at any time.)

(Note: The previous record series number was COM-96.)

BANK-6. BOND FILES:

18-013

This series is stored electronically and searchable by company name and contains the Division's record of security bonds for individual banks, trust companies, and licensees in South Dakota. Information may include: a copy of the bond, any declarations, authorized signatures, table of limits and liabilities, endorsements, and riders (if any.) The original bond is maintained with the respective bank.

RETENTION: PAPER: Scan and maintain paper for 72 hours or 3 business days after a system-level backup of the records is completed, then destroy provided all images have been verified to be accurate and complete.

ELECTRONIC IMAGES/FILES: Retain current in office. Delete superseded or obsolete.

(Note: The previous record series number was COM-97.)

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OFFICE: Banking
PROGRAM: _____
RECORDS OFFICER: Jim Dornbusch
RM CUSTOMER #: 0004

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BANK-7. BOND RECORDS OF BANKS:

18-013

This computer database series is arranged alphabetically by bank name and contains the blanket bonds. Information may include: name of bank, number of bond, form number, new bond number, bonding agency, and amount. This record series is maintained to alert the Division when to review bonds and when bonds are becoming superseded.

RETENTION: PAPER: Scan and maintain paper for 72 hours or 3 business days after a system-level backup of the records is completed, then destroy provided all images have been verified to be accurate and complete.

ELECTRONIC IMAGES/FILES: Retain information 3 years, then delete.

(Note: The previous record series number was COM-98.)

BANK-8. EXAMINATION REPORTS, FEDERAL:

18-013

This confidential series contains the reports of examination submitted by examiners from field examinations. Information may include, but is not limited to: comments and conclusions, balance sheet, assets subject to adverse classification, comparative statements, and other supplemental information. The reports are reviewed by the Division to note any discrepancies or trends and are maintained as the official Division copy of the federal banking agencies.

RETENTION: Retain official Division copies electronically until institution ceases to exist, then delete.

(Note: These Federal Examination Reports are property of the federal banking agencies.)

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PROGRAM: _____
RECORDS OFFICER: Jim Dornbusch
RM CUSTOMER #: 0004

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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BANK-9. EXAMINATION REPORTS, STATE:

18-013

This confidential series is stored electronically by city name and contains the reports of examination submitted by examiners from field examinations. Information may include, but is not limited to: comments and conclusions, balance sheet, assets subject to adverse classification, comparative statements, and other supplemental information. The reports are reviewed by the Division to note any discrepancies or trends and are maintained as the official Division's copy.

RETENTION: PAPER: Scan and maintain paper for 72 hours or 3 business days after a system-level backup of the records is completed, then destroy provided all images have been verified to be accurate and complete.

ELECTRONIC IMAGES/FILES: Retain official Division copies
Until institution ceases to exist, then delete.

(Note: The previous record series number was COM-104.)

BANK-10. HOLDING COMPANY REFERENCE FILE:

18-013

This series is stored electronically and is associated with the electronic file of the related bank or trust company. Information may include: copies of federal examination reports, application to Federal Reserve Bank, audit reports, and correspondence. This record series is maintained by the Division for reference and documentation concerning holding companies in South Dakota.

RETENTION: Retain current files electronically. Delete superseded or obsolete.

(NOTE: Renew files at least once each year to avoid build-up of superseded or obsolete material).

(Note: The previous record series number was COM-105.)

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RECORDS OFFICER: Jim Dornbusch
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BANK-11. LICENSURE:

18-013

This series is stored electronically in a searchable database by license number and contains licensure information. Information may include, but is not limited to: application, attachments, correspondence and renewals. This record series documents the licensure of small loan companies and motor vehicle loan companies in South Dakota.

RETENTION: PAPER: Scan and maintain paper for 72 hours or 3 business days after a system-level backup of the records is completed, then destroy provided all images have been verified to be accurate and complete.

ELECTRONIC IMAGES/FILES: Retain active files. Delete superseded or obsolete.

(Note: The previous record series number was COM-110.)

BANK-12. MEETING MINUTES, BANKING COMMISSION:

18-013

This series contains the original finalized minutes of the State Banking Commission meetings. The information is used for reference and documentation by the Division.

RETENTION: Retain permanently in office.

(Note: Electronic copies are available on the Division website and the Boards Commissions portal.)

(Note: The previous record series number was COM-111.)

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BANK-13. NOTIFICATION FILES, BANK AND TRUST DIRECTORS:

18-013

This series documents the individual director's notification to the Division to be recognized as a bank director. Information may include: name, social security number, address, age, leadership involvement, financial statements, authorized signatures, and notary public seal.

RETENTION: PAPER: Scan and maintain paper for 72 hours or 3 business days after a system-level backup of the records is completed, then destroy provided all images have been verified to be accurate and complete.

ELECTRONIC IMAGES/FILES: Retain for tenure of the director, then delete.

(Note: The previous record series number was COM-93.)

BANK-14. OATHS OF DIRECTORS, BANK & TRUST COMPANIES:

18-013

This standard form series is arranged alphabetically by institution and contains the official signed oaths directors in the state. Information may include: institution name, city, county, state, body of oath, directors' signatures, and notary public seal and signature. The oaths are renewed annually.

RETENTION: PAPER: Scan and maintain paper for 72 hours or 3 business days after a system-level backup of the records is completed, then destroy provided all images have been verified to be accurate and complete.

ELECTRONIC IMAGES/FILES: Retain most current version. Delete superseded or obsolete copies.

(Note: The previous record series number was COM-112.)

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		<u>NUMBER</u>

BANK-15. OFFICER REPORTS:

18-013

This confidential series contains a file for each bank in South Dakota and their respective elected officers. Information may include: bank name, address, officer names, salaries, bonus pay, and officer titles. The record series is a requirement from the State Banking Commission.

RETENTION: PAPER: Scan and maintain paper for 72 hours or 3 business days after a system-level backup of the records is completed, then destroy provided all images have been verified to be accurate and complete.

ELECTRONIC IMAGES/FILES: Retain most current report. Delete superseded or obsolete.

(Note: The previous record series number was COM-115.)