

# BOARD OF EXAMINERS IN OPTOMETRY

# RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

**Bureau of Administration** 

Records Management Program

(605) 773-3589



# DEPARTMENT OF EXECUTIVE MANAGEMENT

# BUREAU OF ADMINISTRATION

PMB 01234

### RECORDS MANAGEMENT PROGRAM

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# **MEMORANDUM**

TO: State Agencies

FROM: Dana Hoffer

State Records Manager

**SUBJECT:** Records Retention and Destruction Schedule Manual

DATE: December 12, 2017

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>Doneen Hollingsworth</u> (name), acting in my position as <u>Secretary of the Department of Health</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>Board of Examiners in Optometry</u> (department) consists of <u>14</u> pages and contains record series number(s) <u>BEO-1(consecutively re-numbered) through BEO-19.</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>Board of Examiners in Optometry</u> (department) record series numbers(s) <u>OP-3, OP-11, OP-16, OP-19, and OP-22</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.

limitations to pass for all state contracts and Surety Bonds.	
Nancen Stalle aliver weeth	11-5-07
Doneen Hollingsworth, Secretary of the Department of Health	Date
The above and foregoing Petition is hereby recommended for approval	by the State Records Destruction
Board.	
Dana Myle	11-13-07
Dana Hoffer, State Records Manager	Date
****************************	**********
DESTRUCTION AUTHORITY	
I hereby certify that the State Records Destruction Board met on the14	t <sup>th</sup> day of _November,
2007, and authorized the destruction of the records described in the foreg	oing Petition at the expiration time
provided for their storage.	

Signature, Chairman of the Board

Date

# PETITION FOR AUTHORITY TO DESTROY RECORDS

I, <u>Kim Malsam-Rysdon</u>, acting in my position as <u>Secretary of the Department of Health</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>Board of Optometry</u> (department) consists of <u>17</u> pages and contains record series number(s) <u>BEO-1</u>, <u>BEO-2.1</u>, <u>BEO-4.1</u>, <u>BEO-5.1</u>, <u>BEO-6</u>, <u>BEO-7</u>, <u>BEO-8</u>, <u>BEO-9</u>, <u>BEO-12</u>, <u>BEO-13</u>, <u>BEO-15</u>, <u>BEO-18</u>, and <u>BEO-19</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.

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.

Kim Malsam-Rysdon, Secretary of the Department of Health	11/7/17 Date
The above and foregoing Petition is hereby recommended for approval b	y the State Records Destruction
Board.	
Dana Hoffer, State Records Manager	//-/6-2017 Date
*************************	***********
DESTRUCTION AUTHORITY	th.
I hereby certify that the State Records Destruction Board met on the $\underline{H}$	day ofDecember,
$\underline{2017}$ , and authorized the destruction of the records described in the foregoing	ng Petition at the expiration time
provided for their storage	
Signature, Chairman of the Board	12-11-17
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### **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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**Boards Examiners in Optometry** 

RECORDS OFFICER: Kari Williams 1195

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#### BEO-1. **ADMINISTRATIVE REFERENCE FILES:**

17-006

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, organization/association, inventory, legislation, correspondence and property management information; monthly reports; research materials; policies and procedures; reference manuals; logs; rules and regulations; mailing lists; and other related information. This record series is maintained for reference purposes.

**RETENTION:** Retain electronically in office. Destroy superseded or obsolete.

Retain scanned paper 72 hours or 3 business days after a system-level backup of the records is complete, then destroy provided all images have been verified to be accurate and complete.

(Note: Newsletters are subject to archival screening prior to disposal.)

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

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# BEO-2. <u>ADMINISTRATIVE RULE PROMULGATION FILES:</u>

07-047

This series contains notices of public hearings, affidavits of publication of notices, written comments from the public, and transcripts from the hearing. 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: Previous record series number was OP-1.)

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#### **BEO-2.1. APPLICATION (PENDING) FILES:**

17-006

This series is arranged alphabetically and contains applications which are pending Board of Examiner in Optometry action, and related materials for occupations regulated by the Board of Examiners in Optometry. Information may include: name, address, fee, birth date and place, sex, citizenship, method of licensure, experience, training, other state or national licenses held, personal data, affidavit of truth of answers, other state or national certifications, national board scores, letters of recommendation, personal physical description, and This record series is maintained to document application work in progress pending Board action, and for audit purposes. Once the license process has been completed, these applications are transferred to their respective "License Files, Optometrists".

**RETENTION**: Retain active in office. Destroy inactive 2 years after last activity.

#### **BEO-3. ASSOCIATION FILES:**

07-047

This series is arranged chronologically and contains current correspondence and newsletters from professional associations to which the Board of Examiners in Optometry belongs. Information may include: minutes of association meetings, conference agendas, expense reports, participants names and other states' optometry This record series is used for reference purposes concerning ideas and policies suggested and used by these associations.

**RETENTION:** Retain 2 years in office, then destroy.

(Note: Previous record series number was OP-2.)

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## **BEO-4.** AUDIT REPORTS:

07-047

This series is arranged chronologically and contains Legislative Audit reports concerning the expenditure and administration of funds. Information may include: 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 3 years in office, then destroy provided all litigation, claims, and involving the records have been resolved and final action has been taken.

(Note: Legislative Audit maintains reports permanent in office on microfilm.)

(Note: Previous record series number was OP-4.)

## **BEO-4.1. BACKGROUND CHECK FILES:**

17-006

This series is arranged chronologically and contains the background reports provided by the FBI and South Dakota DCI. These files contain the investigation results of state and federal background checks required by SDCL 36-7-12.2 for licensure. This record series is used for reference and for documentation purposes. Paper copies shall be kept in a locked cabinet separate from licensee file.

**RETENTION:** Destroy after 1 year provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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#### **BEO-5. BOARD MEMBER FILES:**

07-047

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 Board of Examiners in Optometry and any related information pertaining to each.

**RETENTION:** Retain current in office. Transfer terminated to storage for 3 years. Destroy 3 years after termination provided sufficient data on hours worked and compensation received is maintained by the Department of Labor, Division of Retirement and Insurance; and provided 1 year has passed since a new independent post audit report has been received.

(Note: Subject to archival screening prior to disposal.)

(Note: Previous record series number was OP-5.)

#### BEO-5.1. **BOARD OF OPTOMETRY DATABASE RECORDS:**

17-006

This computer database is arranged numerically by license number, registration number, or permit number and contains information of each licensee, registrant, or permit holder under the jurisdiction of the Board of Examiners Optometry. Information may include: name, address, date of birth, social security number, license number, licensure status, education, and exam information. This record series is maintained for verification and administrative purposes.

**RETENTION:** Retain 50 years after suspension, revocation, expiration, or inactivation, then delete.

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# BEO-6. BUDGETARY ACCOUNTING/MSA REPORTS:

17-006

These daily, weekly, monthly, and year-end 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 Trial Balances, and Monthly Expenditure Reports. This record series is maintained for audit purposes.

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**RETENTION:** Retain electronically 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: Previous record series number was OP-6.)

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#### **BEO-7. CASH RECEIPT TRANSMITTALS:**

17-006

Cash Receipt Transmittals document payment received and deposited with the State Treasury. Information may include: agency name and code, agency receipt number, date, fund, sub-fund, revenue source, description, and amount. Database reports are forwarded to the State Treasurer along with receipts for deposit. A copy is kept for reference and audit purposes.

**RETENTION:** Retain electronically 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.

Retain scanned paper for 72 hours or 3 business days after a systemlevel backup of the records is complete, then destroy provided all images have been verified to be accurate and complete.

(Note: Previous record series number was OP-7.)

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#### **BEO-8. COMPLAINT FILES:**

17-006

This series is arranged alphabetically and contains all related correspondence received from either the general public or initiated by the Board of Examiners in Optometry concerning problems which have occurred with optometrists. 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, Optometrists". Records may also be transferred into the license database record.

**RETENTION**: UNSUBSTANTIATED: Retain electronically 5 years in office after final determination, then destroy provided no pending litigation.

SUBSTANTIATED: Retain until case closed, then transfer to the respective "License Files, Optometrists", and maintain in correlation with "License Files, Optometrists".

Retain scanned paper for 72 hours or 3 business days after a systemlevel backup of the records is complete, then destroy provided all images have been verified to be accurate and complete.

(Note: Previous record series number was OP-8.)

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#### BEO-9. **CONTINUING EDUCATION CERTIFICATES:**

17-006

This series is arranged alphabetically by name of applicant and contains information documenting requisite education required to apply for and maintain an optometrist license. Information may include: applicant names, course attended, date of courses, name and address of schools, certifications, school affidavits, authorizing signatures, and notary seals. This record series is maintained to ensure proper continuing education is received by all licensed optometrists.

**RETENTION:** Retain electronically 4 years in office, then destroy.

Retain scanned paper for 72 hours or 3 business days after a systemlevel backup of the records is complete, then destroy provided all images have been verified to be accurate and complete.

(Note: Previous record series number was OP-9.)

#### **BEO-10. CONTRACT AND AGREEMENT FILES:**

07-047

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

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

(Note: SDCL 1-24A-1 requires consulting contracts be filed with the State Auditor.)

(Note: Previous record series number was OP-10.)

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#### **BEO-11. EXAMINATION FILES, (MASTERS AND ANSWER KEYS):**

07-047

This series is arranged chronologically and contains copies of old examinations and old examination answer keys. This record series is used for reference when drafting new examinations.

**RETENTION:** Retain 10 years in office, then destroy.

(Note: Previous record series number was OP-12.)

#### **BEO-12. EXAMINATION RECORDS:**

17-006

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. 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. Results are added to the "License Files, Optometrists".

**RETENTION:** Transfer to respective application or licensee file.

(Note: Previous record series number was OP-13.)

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# **BEO-13. FINANCIAL STATEMENTS:**

17-006

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 electronically 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: Previous record series number was OP-14.)

## **BEO-14.** LEGAL FILES:

07-047

This series is arranged alphabetically by case name and contains information concerning precedence setting Board action. Information may include: current case under suspension, complaint, investigation, testimony, results, action taken. This record series is maintained for future reference and is shared with other States upon request.

**RETENTION:** Retain 1 year in office after closed, then transfer to storage for 4 years. Destroy 5 years after closed provided that no appeal is pending.

(Note: Previous record series number was OP-15.)

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#### **BEO-15.** LICENSE FILES, OPTOMETRISTS:

17-006

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

**RETENTION:** Retain active and inactive files electronically in office. Destroy 25 years after expiration of last valid license provided all litigation and claims involving the records have been resolved.

Retain scanned paper for 72 hours or 3 business days after a systemlevel backup of the records is complete, then destroy provided all images have been verified to be accurate and complete.

(Note: Consider converting to microfilm.)

(Note: Previous record series number was OP-17.)

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#### **BEO-16.** MINUTES, OPTOMETRY EXAMINERS BOARD:

17-006

This series is arranged chronologically and contains the official minutes of the Board of Examiners in Optometry meetings. Information may include: copies of agendas, dates of meetings, members present, topics discussed, actions taken, approving signatures, 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 5 years in office, then scan and maintain electronic images permanently through electronic record keeping system.

Retain scanned paper for 72 hours or 3 business days after a systemlevel backup of the records is complete, then destroy provided all images have been verified to be accurate and complete.

(Note: Consider converting to microfilm.)

(Note: Previous record series number was OP-18.)

STATE OF SOUTH DAKOTA Health **DEPARTMENT: Boards RECORDS RETENTION & DIVISION: Examiners in Optometry** DESTRUCTION SCHEDULE **OFFICE: AUTHORIZATION FORM PROGRAM:** Kari Williams (Std Form RM-1 Rev 1/03) **RECORDS OFFICER:** RM CUSTOMER #: 1195

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# BEO-17. PAYROLL FILES:

17-006

This series is arranged chronologically and is used to document the transfer of money in the payroll process for retirement and insurance contributions, income tax withholding, and other deductions. Information may include: date, employee name, amount, itemized listing of deductions, copies of forms used to transfer funds, and rules and regulations. This record series is maintained for reference and audit purposes.

**RETENTION:** Retain electronically 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: Previous record series number was OP-20.)

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#### **BEO-18. PERSONNEL FILES:**

17-006

This series contains a folder for each employee of the Board of Examiners in Optometry. Information may include, but is not limited to: application for employment, personal data sheet, personnel action notices, position description questionnaires, authorizations for payroll deductions, letters of reprimand and commendation, resumes, service records, notices of resignation, W-4 forms, and supervisors reports of employee separation. The files serve as a history of the employee's service.

**RETENTION:** Retain current employee files electronically in office for 6 years. Destroy 6 years after termination provided sufficient data on hours worked and compensation received is maintained by the Department of Labor and Regulation, Division of Retirement and Insurance; and provided that 1 year has passed since a new independent post audit report has been received.

Retain scanned paper for 72 hours or 3 business days after a systemlevel backup of the records is complete, then destroy provided all images have been verified to be accurate and complete.

(Note: Previous record series number was OP-21.)

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# **BEO-18.1. SURPLUS PROPERTY FILES:**

09-012

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 1 year in office, then transfer to storage for 3 years. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken. Retain scanned paper for 72 hours or 3 business days after a system-level backup of the records is complete, then destroy provided all images have been verified to be accurate and complete.

**DEPARTMENT: DIVISION: OFFICE: PROGRAM:** 

RM CUSTOMER #:

**Boards Examiners in Optometry** 

RECORDS OFFICER: Kari Williams 1195

Health

**RECORD SERIES NO.** 

TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE

R.D.B. **AUTHORITY NUMBER** 

#### **BEO-19. VOUCHERS:**

17-006

This series is arranged chronologically and may contain copies of travel, non-cash, direct, receiving, and journal vouchers. voucher may include: nature of expense, amount, fund expended from, date, who the funds went to or to 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 electronically 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.

Retain scanned paper for 72 hours or 3 business days after a systemlevel backup of the records is complete, then destroy provided all images have been verified to be accurate and complete.

(Note: Previous record series number was OP-23.)