



INSURANCE FRAUD UNIT

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

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MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

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

DATE: January 19, 2012

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, original and copies, and supporting documents; warrants, original and copies, multiple copies of State publications stored in bulk; obsolete blank forms; photocopies of computer printouts; and original copies of records that have been legally reproduced under the provisions of SDCL 1-27-4.

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.

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- THIS MANUAL WAS CREATED AS A RESULT OF EXECUTIVE REORGANIZATION ORDER NO. 2011-01, INSURANCE FRAUD UNIT UNDER THE DIVISION OF INSURANCE WAS TRANSFERRED TO THE OFFICE OF THE ATTORNEY GENERAL EFFECTIVE APRIL 12, 2011. 1
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STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Attorney General
DIVISION: D.C.I.
OFFICE: Insurance Fraud Unit
PROGRAM: _____
RECORDS OFFICER: Dawn Kramme
RM CUSTOMER #: 1206

<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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- This manual was created as a result of Executive Reorganization Order No. 2011-01, Insurance Fraud Unit under the Division of Insurance was transferred to the Office of the Attorney General effective April 12, 2011.

INS-18. ADMINISTRATIVE REFERENCE FILE:

08-005

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.)

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INS-19. CASE MANAGEMENT DATABASE:

08-005

This series contains all cases that have ever been referred to the Fraud Unit. This database is continually updated with information used for maintaining and tracking active and inactive case files. Information may include: case number (numerically assigned); type of case (civil, criminal, administrative); investigator assigned to the case; active or inactive status; court and county that the case is in; sub-agency and agencies involved; title of whom the case is in reference to; decision date (when the court has ruled a final judgment); type of crime the defendant committed; win/loss/other information (the final outcome of the case and reasons why the case was lost); and permanent retention (files on particular cases that must be kept available in hardcopy because of legal issues or until the defendant is deceased). This record series is maintained for file tracking and updating new information; the management of agency, investigator, and attorneys' cases; reference; and for administrative and legal purposes.

RETENTION: Retain information 10 years then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(When litigation, claim or audit is complete, maintain for an additional 4 years then destroy.)

(Note: The previous record series number was COM-428.)

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INS-20. CIVIL CASE FILES:

08-005

This series is arranged numerically by case number, then chronologically by date and contains civil case files for the Insurance Fraud Unit. Information may include: correspondence, pleadings, exhibits, reports, photographs, and discovery information. This record series is maintained for preparation and trial of cases, for reference purposes, and for possible future appeals. Case closure determination is made by the attorney on a case-by-case basis.

RETENTION: PAPER: Retain in office until case is exhausted or closed, then scan and/or microfilm. Shred paper after the scanned images and microfilm has been inspected and verified to meet quality standards.

(Note: Records Management can convert the digital images to film or microfilm the paper documents.)

ELECTRONIC IMAGES AND MICROFILM: Retain permanently.

(Note: The previous record series number was COM-429.)

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INS-21. CRIMINAL HISTORY NCIC REPLIES:

08-005

This series is arranged chronologically by month and contains criminal history information received from the NCIC. Information may include: complete description of criminal, information origin (local, state, or federal agency), and who authorized. This record series is maintained for reference and to comply with federal record keeping requirements. The information is subject to annual audits.

RETENTION: Retain 1 year in office, then destroy provided audit has been completed.

(Note: The previous record series number was COM-433.)

INS-22. INVESTIGATIVE CRIMINAL CASE FILES:

08-005

This series is arranged numerically and contains the investigative case files, which are submitted for review and determination of prosecuting a criminal case for the Insurance Fraud Unit. Files may include: narrative reports and enclosures, and agency investigation files (correspondence, reports from the agency, complaints, and hearings) and insurance and other documents.

RETENTION: PAPER: Retain original case file in office for 2 years after final disposition, then scan and/or microfilm. Shred paper after the scanned images and microfilm has been inspected and verified to meet quality standards.

(Note: Records Management can convert the digital images to film or microfilm the paper documents.)

ELECTRONIC IMAGES AND MICROFILM: Retain permanently.

(Note: The previous record series number was COM-437.)

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INS-23. PROSECUTION CRIMINAL CASE FILES:

08-005

This series is arranged numerically by case number and contains active and closed prosecution criminal case files for the Insurance Fraud Unit. Information may include: correspondence, reports, pleadings, research, exhibits, notes, and photographs. This record series is maintained for prosecuting ongoing cases, for reference, and for possible appeals. Case closure determination is made by the attorney on a case-by-case review.

RETENTION: Retain 5 years in office until case has been closed, and the direct habeas corpus proceedings have been exhausted, then microfilm and maintain film permanently.

(Note: Shred paper after film has been inspected and verified to meet quality standards.)

(Note: The previous record series number was COM-441.)