



COMMISSION ON
EQUAL ACCESS TO
OUR COURTS

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
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2019

PROJECT STAFF

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Unified Judicial System

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The members of the Commission on Equal Access to Our Courts who contributed their time to explain the purpose and review the content of each record.

STATE RECORD DESTRUCTION BOARD

Scott Bollinger, Commissioner
Bureau of Administration
(Chairman)

Pat Archer
Office of the Attorney General

Chelle Somsen, State Archivist
Department of Education

Jenna Latham
Office of the State Auditor

Marty Guindon, State Auditor General
Legislative Audit

Dana Hoffer
State Records Manager



DEPARTMENT OF
EXECUTIVE MANAGEMENT

BUREAU OF
ADMINISTRATION

PBM 01234

RECORDS MANAGEMENT PROGRAM

104 South Garfield
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
Phone: (605) 773-3589

MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

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

DATE: January 2, 2020

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, Greg Sattizahn, acting in my position as the State Court Administrator, 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 Commission on Equal Access to Our Courts consists of 4 page(s) and contains record series number(s) EAC-1 (consecutively numbered) through EAC-7.

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.



Greg Sattizahn, State Court Administrator

10/30/19
Date

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



Dana Hoffer, State Records Manager

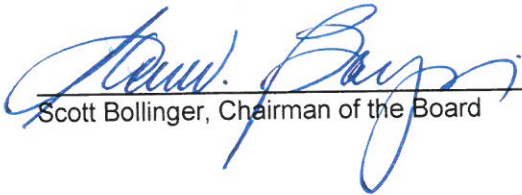
11/6/2019
Date

Records Destruction Board's Action:

- Approved as originally petitioned.

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 19th day of December, 2019, and authorized the destruction of the records as described in the foregoing Petition subject to the Addendum which is hereby incorporated and made part of the Destruction Authority at the expiration time provided for their storage. I further certify that the change(s) to the Petition as indicated in the Addendum was authorized by and through the action(s) of the State Records Destruction Board. **Authority is granted under Records Destruction Board (RDB) Number 19-006.**



Scott Bollinger, Chairman of the Board

12-19-19
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.

EMAIL AND ELECTRONIC DOCUMENT MANAGEMENT POLICY

If an email or electronic document qualifies as a record pursuant to SDCL 1-27-9, it must be filed and maintained in accordance with the records retention and destruction schedule as determined by content of the document just as any paper record would be managed.

Notes:

- Pursuant to ARSD 10:04:01:03 (5), Review the inventory and the retention and destruction schedules **annually** and petition changes to the state records manager to make the schedules current, accurate, and complete.

TABLE OF CONTENTS

**COMMISSION ON EQUAL
ACCESS TO OUR COURTS**

EAC-1. ADMINISTRATIVE REFERENCE FILES: 1

EAC-2. BUDGET FILES:..... 1

EAC-3. COMMISSION MEETING MINUTES: 2

EAC-4. CORRESPONDENCE, GENERAL: 2

EAC-5. GRANT APPLICATION FILES: 3

EAC-6. GRANT AWARDS, CONTRACTS AND AGREEMENTS:..... 3

EAC-7. VOUCHERS..... 4

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

DEPARTMENT: Unified Judicial System
DIVISION: Comm. on Equal Access to Our Cts
OFFICE: _____
PROGRAM: _____
RECORDS OFFICER: Tara Hicks
RM CUSTOMER #: 0160

<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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EAC-1. ADMINISTRATIVE REFERENCE FILES:

19-006

This series may be arranged by subject matter and contains information used in the daily administration of Commission activity. Information may include, but is not limited to: policies and procedures, research materials, reference manuals, logs, mailing lists and 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.)

EAC-2. BUDGET FILES:

19-006

This series is arranged chronologically and contains yearly budget summaries for the Commission. Information may include: budget requests, budget drafts, operating budgets, and related working papers. This record series is used throughout the year in monitoring program activities and for preparing future budget requests.

RETENTION: Retain 3 years in office, the destroy.

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EAC-3. COMMISSION MEETING MINUTES:

19-006

This series is arranged chronologically and contains the official minutes of the Commission meetings. Information may include: copies of agenda, dates of meetings, members present, topics discussed, actions taken, approving signatures, and application records. This record series is used for occasional reference and documentation purposes.

RETENTION: PAPER: Retain 5 years in office, then scan and convert images to microfilm. Destroy paper after images have been verified to be accurate and complete.

MICROFILM/ELECTRONIC FILES: Retain permanently.

EAC-4. CORRESPONDENCE, GENERAL:

19-006

This series is arranged chronologically and may contain both copies of letters and memorandums sent and the originals of letters and memorandums received. This record series is used for occasional reference and documentation.

RETENTION: Retain 2 years in office, then destroy.

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PROGRAM: _____
RECORDS OFFICER: Tara Hicks
RM CUSTOMER #: 0160

<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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EAC-5. GRANT APPLICATION FILES:

19-006

This series is may be arranged alphabetically, numerically or chronologically and contains applications for grant awards, denials and supporting documents. Information may include: applications and related materials.

RETENTION: Retain 4 years in office after grant awarded or denied, then transfer to storage for 3 years. Destroy after 7 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

EAC-6. GRANT AWARDS, CONTRACTS AND AGREEMENTS:

19-006

This series contains grant awards, contracts and agreements between the Commission and other parties. Information may include: terms and conditions of grant awards; contracts, agreements, effective dates, and cost information. This record series is maintained for reference and audit purposes.

RETENTION: Retain 4 years in office. Transfer terminated to storage for 3 years. Destroy after 7 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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

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EAC-7.	<u>VOUCHERS</u>	
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19-006

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

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.