

**RULES
OF
PUBLIC RECORDS COMMISSION**

**CHAPTER 1210-01
RULES OF PUBLIC RECORDS COMMISSION**

TABLE OF CONTENTS

1210-01-.01	Authority, Purpose and Applicability	1210-01-.05	Procedures for the Reproduction and Storage of Records
1210-01-.02	Definitions		
1210-01-.03	Responsibilities of the State Agency	1210-01-.06	Procedures for the Disposal of Records
1210-01-.04	Procedures for the Adoption of Records Disposition Authorization		

1210-01-.01 AUTHORITY, PURPOSE AND APPLICABILITY.

- (1) Authority. The Commission has the authority to determine the proper disposition of state records. The Commission shall direct the Department of State to initiate, through the Division, any action it may consider necessary to accomplish more efficient control and regulation of records holdings and management in any agency.
- (2) Purpose. The purpose of these rules is to assist state agencies in maintaining and disposing of their records to ensure each record's authenticity, integrity, reliability and accessibility. To demonstrate these characteristics, a record must be accurate, complete, unaltered and able to be located and retrieved.
- (3) Applicability. These rules are applicable to all agencies contained within the executive, legislative and judicial branches of state government. These rules apply to all records maintained by state agencies, regardless of the type or format of the records, or the type of storage media used.

Authority: T.C.A. §§ 10-7-301 through 10-7-306. **Administrative History:** Original rule filed December 4, 1991; effective March 30, 1992. Amendments filed December 7, 2018; effective March 7, 2019.

1210-01-.02 DEFINITIONS.

- (1) "Agency" means any department, division, board, bureau, commission, or other separate unit of government created by law or pursuant to law, including the legislative branch and the judicial branch; provided, however, that for purposes of this part only, "agency" does not include the legislative branch.
- (2) "Confidential Public Record" means any public record which has been designated confidential by law and includes information or matters or records considered to be privileged and any aspect of which access by the general public has been generally denied.
- (3) "Commission" means the Public Records Commission.
- (4) "Disposition" means the preservation of the original records in whole or in part, preservation by photographic or other reproduction processes or outright destruction of the records.
- (5) "Division" means the Records Management Division.
- (6) "Essential Records" means any public records essential to the resumption or continuation of operations, to the re-creation of the legal and financial status of government in the state or to the protection and fulfillment of obligations to citizens of the state.

(Rule 1210-01-.02, continued)

- (7) "Permanent Records" means those records which have permanent administrative, fiscal, historical or legal value.
- (8) "Public Record" or "State Records" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings 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 by any governmental agency.
- (9) "Records Creation" means the recording of information on paper, printed forms, punched cards, tape, disk or any information transmitting media. It shall include preparation of forms, reports, state publications and correspondence.
- (10) "Records of Archival Value" means any public record which may promote or contribute toward the preservation and understanding of historical, cultural or natural resources of the State of Tennessee.
- (11) "Records Disposition Authorization" or "RDA" means the official document utilized by an agency head to request authority for the disposition of records. The Commission shall determine and order the proper disposition of state records through the approval of RDAs.
- (12) "Records Management" means the application of management techniques to the creation, utilization, maintenance, retention, preservation and disposal of records in order to reduce costs and improve efficiency of recordkeeping. It shall include records retention schedule development, essential records protection, files management and information retrieval systems, microfilm information systems, correspondence and word processing management, records center, forms management, analysis, and design and reports and publications management.
- (13) "Record Series" means a group of identical or related records filed as a unit because they relate to the same or similar subject or function, result from the same activity, document a specific type of transaction, take a particular physical form or have some other relationship arising out of their creation, receipt, maintenance or use.
- (14) "Retention Schedule" means the time frame established in the records disposition authorization for the record series indicating the length of time in which a record or record series must be maintained by a state agency before disposition.
- (15) "Temporary Records" means those materials which can be disposed of in a short period of time as being without value in documenting the functions of an agency. Temporary records will be scheduled for disposal by requesting approval from the Commission utilizing a RDA.
- (16) "Working Papers" means those records created to serve as input for final reporting documents, including electronic data processed records, and/or computer output microfilm and those records which become obsolete immediately after agency use or publication.

Authority: T.C.A. §§ 10-7-301, 10-7-302, and 10-7-306. **Administrative History:** Original rule filed December 4, 1991; effective March 30, 1992. Amendments filed December 7, 2018; effective March 7, 2019.

1210-01-.03 RESPONSIBILITIES OF THE STATE AGENCY.

Each state agency shall implement an internal, agency-specific records management policy to:

- (1) Establish and maintain an internal records management program on a continuing and active basis;

(Rule 1210-01-.03, continued)

- (2) Ensure that records contain proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency;
- (3) Identify and protect all confidential and essential records maintained by the agency;
- (4) Ensure that records within the agency's public records are individually accessible;
- (5) Ensure that retention schedules are properly implemented and followed. All records that do not meet the requirements for temporary records or working papers must be maintained for a minimum of five (5) years unless otherwise indicated by the Commission, rules, or applicable federal and state laws;
- (6) Ensure that all of the agency's certificates of records disposal are filed with the Division and the agency shall use these certificates to monitor the agency's records destruction process to ensure compliance with the applicable RDA requirements;
- (7) Ensure that records and any software, hardware and/or documentation including maintenance documentation, required to retrieve and read records are retained as long as the approved retention period for the record; or provides for recopying, reformatting and other necessary maintenance to ensure the availability and usability of a record until the expiration of its retention period;
- (8) Cooperate with the Commission, the Division, the Comptroller of the Treasury Department of Audit, Tennessee State Library and Archives ("Library & Archives") and any other authorized designee in fulfilling their duties;
- (9) Disseminate to agency employees information concerning state laws, administrative rules and internal agency policies and procedures relating to the management of records;
- (10) Complete an annual records holding report declaring the volume of all records, regardless of format or location, held by the agency in the manner proscribed by the Division; and
- (11) Notify the Division in writing of the appointment of a new records officer. All policies, procedures and documents pertaining to the management of agency records must be provided to the new records officer.

Authority: T.C.A. §§ 10-7-302, 10-7-303, and 10-7-306. **Administrative History:** Original rule filed December 4, 1991; effective March 30, 1992. Amendments filed December 7, 2018; effective March 7, 2019.

1210-01-.04 PROCEDURES FOR THE ADOPTION OF RECORDS DISPOSITION AUTHORIZATION.

- (1) Each state agency that maintains agency records shall develop an RDA for each record or record series maintained by the agency.
- (2) Each RDA submitted for approval by the Commission shall include the following:
 - (a) The title of the record or records series being maintained;
 - (b) The type of media;
 - (c) Applicable federal and state laws and rules related to the retention of the records;
 - (d) A detailed description of the records;
 - (e) The retention period for each record or record series;

(Rule 1210-01-.04, continued)

- (f) The disposition requirements for each record or record series; and
 - (g) A description of the records disposition at the end of the retention period, detailing whether the records will be destroyed, scanned, transferred to the Library & Archives or transferred to the record center for long-term storage.
- (3) Once the agency has drafted an RDA, the records officer for the agency shall send the pending RDA to the Division for review and comment by the Division, Library & Archives and the Comptroller of the Treasury's Department of Audit. Each of those agencies' review may contain recommended edits and revisions to the RDA.
 - (4) The agency shall consider the recommendations of the Division, Library & Archives and the Comptroller of the Treasury's Department of Audit and shall resubmit for final approval.
 - (5) The agency shall present the completed RDA to the Commission for the Commission's approval.
 - (6) If the Commission approves the RDA, it becomes effective immediately and it then constitutes authorization to dispose of the records as authorized by the RDA. No further approval by the Commission is required unless the RDA is amended.
 - (7) Any RDA not approved by the Commission shall be returned to the submitting agency. The submitting agency may resubmit the RDA incorporating any recommended changes of the Commission and the Division.
 - (8) An RDA must be submitted sufficiently in advance to allow reasonable review before the next Commission meeting.
 - (9) Agencies may request changes to approved RDAs by submitting a proposed revision of the RDA to the Division. The proposed revision is then subject to the same approval process.
 - (10) Once approved by the Commission, each agency shall maintain the agency's records or record series in accordance with the applicable RDA.

Authority: T.C.A. §§ 10-7-302, 10-7-303, 10-7-304, and 10-7-306. **Administrative History:** Original rule filed December 4, 1991; effective March 30, 1992. Amendments filed December 7, 2018; effective March 7, 2019.

1210-01-.05 PROCEDURES FOR THE REPRODUCTION AND STORAGE OF RECORDS.

- (1) Once a record has been created, it can be reproduced in a different medium depending on the storage and original medium of the record.
- (2) Unless otherwise required by rules, or applicable federal and state laws, if a record has been reproduced in a different medium, and both mediums have been authorized by the applicable RDA, the agency does not have to maintain the original record in its original medium.
- (3) In addition to maintaining records in accordance with the amount of time contained in the applicable RDA, agencies shall ensure that records are stored in a secure environment in a manner that ensures accessibility, verifiability and accuracy.
- (4) Each agency is responsible for ensuring the integrity of its records. Records must be stored in a format that will ensure that the content of the record is maintained for the required retention period as established by the RDA. Also, agencies must ensure records formats are

(Rule 1210-01-.05, continued)

regularly reviewed and migrated. Agencies must utilize proper secure storage infrastructure, processes and operational practices suitable for records management.

- (5) Any media, digital or non-digital, containing records must be protected if transported outside of secured areas to guard against unauthorized access to or manipulation of records.

Authority: T.C.A. §§ 10-7-302, 10-7-303, 10-7-306, 10-7-307, and 10-7-308. **Administrative History:** Original rule filed December 4, 1991; effective March 30, 1992. Amendments filed December 7, 2018; effective March 7, 2019.

1210-01-.06 PROCEDURES FOR THE DISPOSAL OF RECORDS.

Once the Commission approves an RDA, it constitutes authorization to dispose of the records as set by the RDA.

- (1) That disposal is based on the RDA's Retention Schedule. Each record or record series is subject to only one retention schedule as set forth in the governing RDA.
- (a) Upon expiration of the retention period, records must be disposed of in accordance with the RDA and must not be held for a longer period unless subject to ongoing investigation, litigation hold, public records request or audit.
- (b) Records authorized for destruction must be disposed of according to the RDA and must not be given to any unauthorized person or transferred to another agency or political subdivision as a way to avoid destruction in accordance with the applicable RDA.
- (c) When transferring and archiving records to Library & Archives for preservation, the agency must contact Library & Archives for guidance.
- (2) The agency records officer shall:
- (a) Annually review the agency's records and determine which ones are due for disposition.
- (b) Submit a records destruction form to the Division, in the event that individual records or a record series can be destroyed in accordance with the applicable RDA. This form documents the destruction date, record series, RDA number, date range for the records, volume destroyed and destruction method.
- (c) Annually complete a records holding report that:
1. Reflects a full inventory of all the records stored by the agency; and
 2. Details how many cubic feet have accumulated for each record series and should list the associated RDAs.

Authority: T.C.A. §§ 10-7-302, 10-7-303, 10-7-304, and 10-7-306. **Administrative History:** Original rule filed December 7, 2018; effective March 7, 2019.