

Volume No. 1 - Policies and Procedures	TOPIC NO.	21005 - Cardinal
Section No. 21000 - Records and Retention	TOPIC	RECORDS & RETENTION
	DATE	September 2014

Table of Contents

Overview	2
Introduction	2
Retention Schedules	2
Inquiries	2
Policy	3
State Library Requirements	3
Federal Requirements	4
DOA Requirements	5
Procedures	5
Compliance with VPRA	5
Internal Control	6
Internal Control	6
Information Security	6
Records Retention	6
Schedules	6
DOA Contact	7
Contact	7
Subject Cross Reference	7
Cross References	7

Volume No. 1 - Policies and Procedures	TOPIC NO.	21005 - Cardinal
Section No. 21000 - Records and Retention	TOPIC	RECORDS & RETENTION
	DATE	September 2014

Overview

Introduction Agencies must comply with the Virginia Public Records Act (VPRA), *Code of Virginia* § 42.1-76–§42.1-91, which governs the creation, maintenance, and disposition of public records. This CAPP – Cardinal Topic includes portions of the VPRA, however, agencies should refer to the VPRA in its entirety in the *Code of Virginia*.

Retention Schedules The Department of Accounts (DOA) and the Library of Virginia (LVA), with the concurrence of the Auditor of Public Accounts, established minimum retention periods for most State agency fiscal record series. These retention periods are based on intensive reviews of fiscal records in the central administrative and fiscal agencies, and at the individual agency level. These minimum retention periods apply to all records relating to payroll, and all receipt and disbursement transactions accounted for through DOA and balanced against the Commonwealth’s Accounting System, Cardinal. Minimum retention periods are listed in LVA General Retention and Disposition Schedule (GS) Number 102.

Inquiries Make any inquiries concerning records retention and disposition directly to the Records Management Section, Archives and Records Division, Library of Virginia, 800 East Broad Street, Richmond, Virginia 23219-8000. Telephone (804) 692-3500.

Volume No. 1 - Policies and Procedures	TOPIC NO.	21005 - Cardinal
Section No. 21000 - Records and Retention	TOPIC	RECORDS & RETENTION
	DATE	September 2014

Policy

State Library Requirements

Public records, as defined in Section 42.1-77 of the *Code of Virginia*, means recorded information that documents a transaction or activity by or with any public officer, agency or employee of an agency. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record.

As further defined by this section, agency means "all boards, commissions, departments, divisions, institutions, authorities, or parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers."

Under § 42.1-79 of the *Code of Virginia*, the records management function is vested in LVA. LVA shall be the official custodian and trustee for the Commonwealth of all public records of whatever kind, and regardless of physical form or characteristics, that are transferred to it from any agency. LVA shall assume ownership and administrative control of such records on behalf of the Commonwealth.

Under § 42.1-85 of the *Code of Virginia*, LVA shall administer a records management program. Agencies are required to cooperate and agencies have to designate a records officer.

Each agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of such agency. The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible throughout their lifecycle, including converting and migrating electronic records as often as necessary so that information is not lost due to hardware, software, or media obsolescence or deterioration. Any public official who converts or migrates an electronic record shall ensure that it is an accurate copy of the original record. The converted or migrated record shall have the force of the original.

Continued on Next Page

Volume No. 1 - Policies and Procedures	TOPIC NO.	21005 - Cardinal
Section No. 21000 - Records and Retention	TOPIC	RECORDS & RETENTION
	DATE	September 2014

Policy, Continued

Each state agency shall designate at least one records officer to serve as a liaison to LVA for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction, of obsolete records. Designation of state agency records officers shall be by the respective agency head. Each agency shall provide LVA with the name and contact information of the designated records officer, and shall ensure that such information is updated in a timely manner in the event of any changes.

Each agency shall ensure that a plan for the protection and recovery of public records is included in its comprehensive disaster plan.

Federal Requirements

The Federal government regulates the retention and custody of many records generated and held by public agencies. These requirements are detailed in the Code of Federal Regulation (C.F.R.), and amended daily in the Federal Register (F.R.). The requirements affect public agencies principally as employers and recipients of grants-in-aid from federal agencies, but the range of possible requirements is too broad to discuss here in detail.

Schedules and Handbooks published by the Office of the Federal Register, National Archives and Records Administration, list comprehensive requirements. The General Schedules and Handbooks can be found on the website www.archives.gov under Records Management. (<http://www.archives.gov/records-mgmt/grs/>) Details of these requirements must be determined from the C.F.R., the F.R., and the federal agency involved. Public agencies can request assistance from the Records Branch in determining the existence and nature of any federal requirements affecting their records. This assistance does not constitute legal advice.

For Federal Grants, records related to fiscal activity and other supporting documentation should be retained for a period of at least three years. The retention period generally starts at the close of the fiscal year covered by the grant. Refer to OMB Circulars A-102 and 2 *CFR Part 215*, (formerly OMB Circular A-110) for a detailed discussion of record-keeping and documentation requirements.

Continued on next page

Volume No. 1 - Policies and Procedures	TOPIC NO.	21005 - Cardinal
Section No. 21000 - Records and Retention	TOPIC	RECORDS & RETENTION
	DATE	September 2014

Policy, Continued

For pending, ongoing or unresolved litigation, audits, or claims, retain documentation until completion, resolution, or negotiation of settlements and retain according to standard schedules.

Destruction of records must be in accordance with applicable federal guidance and with policies and procedures of the LVA.

DOA Requirements

Supporting documentation for transactions entered into Cardinal may be kept electronically by the agency. Supporting documentation should be labeled with the Cardinal generated ID in order to easily tie the source documentation to the transaction in the system. The agency's filing system should be such that the documentation can be found expediently.

Cardinal will allow documentation in an electronic format to be "attached" to the accounting voucher, deposit or journal. This functionality places the supporting documentation on the same page as the recorded transaction in Cardinal for ease of access and viewing capability. However, the Cardinal system should not be relied upon to maintain agency documentation and should not be considered the official retention source for the agency. **Agencies should keep separate records, whether hard copy or electronic.**

Procedures

Compliance with VPRA

For procedures on complying with VPRA, please see the *Virginia Public Records Manual* published by LVA and guidance on the LVA website.

Volume No. 1 - Policies and Procedures	TOPIC NO.	21005 - Cardinal
Section No. 21000 - Records and Retention	TOPIC	RECORDS & RETENTION
	DATE	September 2014

Internal Control

Internal Control

Agencies should develop and implement procedures, guidelines, systems, and business practices that facilitate the creation, backup, preservation, filing, storage, and disposal of records of all formats. There are templates and guidelines for Agencies to follow for creating Records Management Policies and Records Management Procedures available online at LVA.

Information Security

Agencies should classify data and develop and implement procedures, guidelines, and business practices that facilitate the safekeeping of critical, sensitive, and/or confidential data. Agencies should ensure compliance with the Commonwealth's Information Security Standard contained in the current version of the ITRM Standard SEC 501 maintained by the Virginia Information Technologies Agency (VITA), if applicable.

Records Retention

Schedules

Under *Code of Virginia § 42.1-85*, LVA has the authority to issue regulations governing the retention and disposition of state and local public records. In keeping with the Code's mandate, LVA has developed records retention and disposition schedules outlining the disposition of public records.

Under this policy, the LVA issues two types of schedules. **General schedules** apply to the records of common functions performed by or for all localities and state agencies. **Specific schedules** apply to records that are unique to an individual state agency. **These retention schedules are available online at LVA.**

Before a state agency or locality can destroy public records:

- An agency records officer must be designated in writing by completing and filing a Records Officer Designation and Responsibilities Form (LVA - RM-25 Form) with the LVA.
- Records to be destroyed must be covered by a LVA-approved general or specific records retention and disposition schedule and the retention period for the records must have expired.
- All investigations, litigation, required audits, and Virginia Freedom of Information Act requests must be completed or fulfilled.
- The organization's designated records officer and an approving official must authorize records destruction by signing each Certificate of Records Destruction Form (LVA RM-3 Form).

Volume No. 1 - Policies and Procedures	TOPIC NO.	21005 - Cardinal
Section No. 21000 - Records and Retention	TOPIC	RECORDS & RETENTION
	DATE	September 2014

Records Retention, Continued

When a new schedule is approved, it supersedes all previously issued versions of the schedule.

The retentions and dispositions listed in the Schedules apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. Microfilming must be done in accordance with 17VAC15-20-10, et seq. of the Virginia Administrative Code, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting, or migration, it is the obligation of the agency or locality to do so.

DOA Contact

Contact Assistant Director, Finance and Administration
Voice: (804) 692-0245
Email: admin@doa.virginia.gov

Subject Cross Reference

Cross References This CAPP – Cardinal Topic extends to all Topics in this manual.
