



2022 SUMMER-FALL CLEANUP RECORD DISPOSAL GUIDE

Proper Records Retention helps to ensure the reliability and accuracy of the information we use while also saving on operational costs and physical office space. The purpose of this document is to help Department of Labor (Department) staff identify records that may be disposed of during the Summer-Fall Cleanup and how to do so properly. A comprehensive and updated agency record retention policy will be forthcoming; this is a summary to assist in the short-term.

RECORDS TO RETAIN

Records that have a documented **LEGAL**, **OPERATIONAL**, or **HISTORIC** value to the Department based on one of the following justifications must be retained.

- 1. FOIL/Information Request:** These records are the subject of a current, ongoing Freedom of Information Law (FOIL) or information request that has not yet been resolved or closed.
- 2. Legal Hold:** These records are the subject of a legal hold or litigation discovery request because the General Counsel's Office has determined that the records may have relevance in a future litigation.
- 3. Pending Audit or Other Review:** These records may be or are subject to a future or pending state or federal audit.
- 4. Operational Value and Need/Vital Records:** These records are essential to the continuation of Department governance/operations.
- 5. Historic or Archival:** These are records that are kept permanently for long-term research and designated as historical through an appraisal process by the New York State Archives. They are deemed worthy of permanent retention because of the continuing importance of the information contained. Specifically, these records include but are not limited to:

Records that document the essential missions and significant activities and accomplishments of state agencies;

Summary records of the development of the state budget and expenditures, service of state officials and employees;

The state's acquisition and disposition of real property, including grants of unappropriated land;

Major public works projects, such as the Thruway system and the Erie and Barge Canals;

Individuals involved with state functions, services or institutions, such as military service, incarceration, mental health treatment, or human rights issues;

Major disasters in New York's history, such as Hurricane Sandy or the September 11, 2001 attacks on the World Trade Center; or

Under-documented aspects of New York's history such as racial/ethnic population groups, science and technology, or higher education.

RECORDS THAT MAY BE DESTROYED

CONVENIENCE COPIES

One copy of each record, in one file format, should be designated as the official copy. All other copies are duplicates, or convenience copies that are not subject to retention requirements, and may be disposed of those whenever no longer needed. To determine whether the document is a convenience copy or the official record, consider the steps by which the document was produced. Examples of convenience copies include but are not limited to:

- Temporary drafts or personal notes that were not circulated, reviewed, or used to make decisions or complete transactions;
- Extra copies of documents that were created or distributed solely for reference purposes;
- Temporary files used solely to change the arrangement or format of electronic records;
- Electronic versions of documents, transactions, or reports, when the record is retained on paper or microfilm to provide evidence or for legal or audit purposes;
- Extra copies of correspondence, reports, and printouts when the record is retained in electronic form to provide evidence or for legal or audit purposes; or
- Copies of files or extracts of databases created solely to transfer data between systems.

PAPER VERSIONS OF ELECTRONIC RECORDS

Paper documents that have been scanned or otherwise converted to an electronic record may be destroyed prior to the end of their retention period. Electronic records are records that have been pre-authorized to replace paper documents. For an electronic copy to be considered as good as the original, it must fulfill the following criteria:

1. The images will accurately and completely reproduce all the information in the records being imaged, i.e., contain ALL pages of the original record and signatures which must be **LEGIBLE**.
2. The imaged records will not be rendered unusable due to changing or proprietary technology before their retention and preservation requirements are met.
3. The imaging system will not permit additions, deletions, or changes to the images without leaving a record of such additions, deletions, or changes.

GENERAL CORRESPONDENCE OVER TWO YEARS

Incoming and outgoing internal communication that is used to facilitate overall agency and office management administration and routine operations such as e-mail messages, letters, memoranda, microfilm, and packages sent through mail. Records with no legal nor fiscal value may be destroyed if older than two years.

HOW TO DESTROY RECORDS APPROPRIATELY

Records destined for disposal **MUST** be completely mutilated/shredded. Confidential records for destruction should be placed in locked shred bins labeled "NO TRASH Only Confidential/Sensitive Paper for Certified Destruction". Documents must be separated from any non-paper binding, covers, or folders before placing in locked shred bins. Staples are acceptable. If shred bins are full, boxes marked for destruction should be taped shut and securely stored until they are able to be destroyed. Examples of confidential/sensitive paper include, but are not limited to:

- Documents containing personal information of employees, customers, or any other stakeholder;
- Documents received or sent under an expectation of confidentiality;
- Attorney-Client communications;
- Drafts of policymaking documents;
- Information related to pending litigation;
- Audit working papers; or
- Competitive bidding information before contract awarded.