

**RULES
OF
PUBLIC RECORDS COMMISSION**

**CHAPTER 1210-1
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1210-1-1 AUTHORITY AND SCOPE.

- (1) Authority and Scope. The Public Records Commission was created by statute to determine and order proper disposition of state records.
- (2) Governing Body. Permanent voting members of the Public Records Commission are the State Treasurer, the Comptroller of the Treasury, the Secretary of State, the Director of Legal Services for the General Assembly, and the Commissioner of General Services. Each permanent voting member may designate a representative and shall notify the Chairman and the Secretary of the Commission in writing of such designations. The president of the Tennessee Historical Society serves as a nonvoting member.

When management or disposal of legislative records is under consideration, the Speaker of the Senate, or his representative, the Speaker of the House of Representatives or his representative, and the Secretary of State, or his representative, shall serve as temporary nonvoting members of the Commission.

When the management or disposition of judicial records is under consideration, the Attorney General, or his representative, and the Chief Justice of the Supreme Court, or his representative, shall serve as temporary nonvoting members.

- (3) Officers. The Public Records Commission shall elect its Chairman by a majority of the voting members of the Commission. The election of Chairman of the Public Records Commission shall be for a two-year term. The Commissioner of General Services shall be the Administrative Officer and Secretary of the Public Records Commission.
- (4) Meetings. The Public Records Commission shall meet at least twice annually. A quorum for conducting business of the Public Records Commission shall be three (3) of the permanent members or their designated representatives in attendance. The Secretary of the Public Records Commission shall give proper notice to the members of the Commission of meetings. Records Management Division shall create an agenda to be given to the members of the Commission before each meeting. The Secretary of the Public Records Commission shall keep adequate written minutes of all Commission meetings. Minutes shall be presented for approval or correction at the next Commission meeting.
- (5) Procedures, Rules and Regulations. The Public Records Commission shall issue rules and regulations which shall include such procedures as may be necessary to carry out the purpose of the Records Management Division. The rules and regulations governing the Records Management Program shall be binding to all State agencies, as well as the Legislative Branch and Judicial Branch of State government to the extent that it is constitutionally permissible.
- (6) Records Management Division. The Records Management Division of the Department of General Services, by direction of the Public Records Commission, shall be the primary records management agency for State government, and as such shall direct the disposition of all records.

(Rule 1210-1-1, continued)

- (7) **Records Officer.** The head of each department, commission, board or agency shall designate a Records Officer, who shall be an employee at the administrative level, and inform the Commission Chairman in writing of such designation. The Records Officer shall be the primary facilitator between the agency, the Records Management Division and the Public Records Commission.

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

1210-1-2 DEFINITIONS. For the purpose of these rules the following definitions shall apply:

- (1) **Records.** Records shall mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, 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.

For the purpose of these rules, records are only those items defined as such by the rules.

- (2) **Permanent Records.** Those records which have permanent administrative, fiscal, historical or legal value.
- (3) **Temporary Records.** Those records or 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 Public Records Commission utilizing a Records Disposition Authorization.
- (4) **Confidential Public Record.** Any public record which has been designated confidential by statute 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.
- (5) **Records of Archival Value.** Any public record which may promote or contribute toward the preservation and understanding of historical, cultural, or natural resources of the State of Tennessee.
- (6) **Essential Records.** Any public records essential to the resumption or continuation of operations, to the recreation of the legal and financial status of government in the state or to the protection and fulfillment of obligations to citizens of the state.
- (7) **Agency.** Agency shall mean any department, division, board, bureau, commission or other separate unit of government created or established by the constitution, by law or pursuant to law, including the legislative branch and the judicial branch to the extent that it is constitutionally permissible.
- (8) **Records Management.** Records management shall mean 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 record keeping. 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.
- (9) **Disposition.** The preservation of the original records in whole or in part, preservation by photographic or other reproduction processes, or outright destruction of the records.
- (10) **Records Disposition Authorization.** Records Disposition Authorization (RDA) shall mean the official document utilized by an agency head to request authority for the disposition of records. The Public Records Commission shall determine and order the proper disposition of state records through the approval of Records Disposition Authorizations.

(Rule 1210-1-2, continued)

- (11) Working Papers. 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.
- (12) Records Creation. 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.

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

1210-1-3 PROCEDURES FOR THE MANAGEMENT OF RECORDS.

- (1) Records Disposition Authorization. Agencies shall submit to the Records Management Division a Records Disposition Authorization (RDA), along with a sample of the records being considered. The Records Management Division and Library and Archives shall review all RDAs submitted by agencies. After the review process the RDA shall be submitted for approval to the Public Records Commission.
- (2) Records Disposition Authorization Original File. For the purpose of maintaining a file on all RDAs, Records Management Division shall retain the original approved set of RDAs on file and return a copy to the originating agency's Records Officer for agency use and distribution.
- (3) Records Holding Report. Each agency shall prepare and submit annually to the Records Management Division a Records Holding Report. The Records Management Division shall review all Records Holding Reports, and prepare a composite report for the Public Records Commission.

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

1210-1-4 REVIEW PROCESS.

Any RDA not approved unanimously by the Public Records Commission shall be returned to the submitting agency. The agency shall re-evaluate the RDA based on the recommendations of the Commission and the Records Management Division. The agency shall resubmit the RDA to the Public Records Commission incorporating recommended changes.

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

1210-1-5 RETENTION, DESTRUCTION OR OTHER DISPOSITION OF RECORDS.

- (1) Records Creation. Before any agency creates any new category of record, a sample of that record category, accompanied by an RDA, shall be submitted to the Public Records Commission for approval.
- (2) Records Retention and Disposition. Records retention and disposition is used as a basis for transferring or destroying records in a particular records series in accordance with predetermined retention periods. Once an RDA is approved by the Public Records Commission, it constitutes authorization to dispose of the records. No further approval by the Commission is required unless the RDA is amended.
- (3) Amending Records Disposition Authorizations. Agencies may request changes in approved RDAs by submitting a revised RDA to the Records Management Division. The Records Management Division

(Rule 1210-1-5, continued)

may advise any agency to amend its RDA and retain records for longer or shorter periods of time than those proposed by the agency. In such cases, the Records Management Division shall notify the Public Records Commission and the agency by memorandum.

- (4) **Records Destruction.** Records authorized for destruction shall be disposed of according to the RDA and shall not be given to any unauthorized person, transferred to another agency, political subdivision, private or semi-private institution.
- (5) **Records Management Division Destruction of Records.** The Division shall forward to State Library and Archives a list of records identified as having possible historical value for screening at least thirty (30) days prior to initiation of the destruction process.
- (6) **Destruction Procedures.** No record or records shall be scheduled for destruction without the unanimous approval of the voting members of the Public Records Commission. Approval for the destruction scheduling from the Commission is received through the RDA process. All agencies shall destroy records using state approved procedures.

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.