

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Department for Libraries and Archives
Archives and Records Management Division
(Amendment)

725 KAR 1:030. Scheduling public records for retention and disposal; procedures.

RELATES TO: KRS 171.450

STATUTORY AUTHORITY: KRS 171.450, 171.580

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.450(1)(a) and (b) ~~require~~~~requires~~ the department to establish procedures for the compilation and submission to the department of lists and schedules of public records proposed for disposal and to establish procedures for the disposal or destruction of public records authorized for disposal or destruction. KRS 171.580 authorizes the department to accept for deposit in the State Archives Center the records of any state or local agency that are determined by the department to have sufficient historical or other value ~~to warrant their procedures for the scheduling of public records for retention and disposal and for the uniform destruction of public records~~.

Section 1. State and local agencies shall follow the procedures for scheduling public records for retention and disposal described in Records Retention Scheduling: A Procedural Guide.

Section 2. State and local agencies shall follow the procedures for disposing of eligible public records described in Destruction of Public Records: A Procedural Guide.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Records Retention Scheduling: A Procedural Guide", July 2008; and

(b) "Destruction of Public Records: A Procedural Guide", July 2008.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Archives and Records Management Division~~[Public Records Division]~~, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Monday through Friday, 9:00 a.m.~~[8 a.m.]~~ to 4:00 p.m.~~[4:30 p.m.]~~

TERRY MANUEL, Commissioner

APPROVED BY AGENCY: July 2, 2021

FILED WITH LRC: July 6, 2021 at 11:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 21, 2021, at 10:00 a.m. Eastern Time at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Commission Room. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Terry Manuel, Commissioner, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601. phone 502-564-8303. fax 502-564-5773. email Terry.Manuel@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Terry Manuel

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes procedures for compilation of records retention and disposition schedules to be approved for use by state and local agencies for retention and disposition of public records.

(b) The necessity of this administrative regulation:

KRS 171.450(1)(a) requires the Department for Libraries and Archives (department) to establish procedures for the compilation and submission to the department of lists and schedules of public records proposed for disposal. KRS 171.450(2) requires the department to enforce the provision of KRS 171.410 to 171.740 by promulgating administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 171.450(1)(a) and (b) require the department to establish procedures for the compilation and submission to the department of lists and schedules of public records proposed for disposal and for the disposal or destruction of public records authorized for disposal or destruction.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation facilitates the permanent retention, disposal or destruction of public records by establishing the processes for drafting schedules public agency personnel shall use in meeting their responsibilities related to public records management. The retention and dispositions mandated by the State Libraries, Archives, and Records Commission are documented on approved records retention schedules.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment clarifies language and updates the agency's name from Public Records Division to Archives and Records Management Division.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to ensure the regulation is current and up-to-date.

(c) How the amendment conforms to the content of the authorizing statutes:

The statute requires that retention schedules be created for public agency records.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment of this regulation will ensure that agencies have the most complete information in carrying out their records management programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All state and local government agencies must follow this regulation, as all have a responsibility to dispose of records according to decisions of the State Libraries, Archives, and Records Commission, outlined in the records retention schedules.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

There will be no new responsibilities added to those already existing for public agencies under this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no new costs added to those already existing for public agencies under this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Agencies who comply with this regulation will recognize more effective and efficient business practices, will recognize cost savings from reduced records storage costs, and will document agency history more effectively.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no costs for agencies to implement this regulation. This regulation

(b) On a continuing basis:

Same as (5)(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The activities involved in this regulation are already undertaken by public agencies.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No required increase is projected.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

This regulation does not establish or increase, directly or indirectly, any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied because this regulation applies uniformly to all public agencies.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

All state and local government entities are required to use the appropriate documents enumerated in this regulation in order to be compliant with the public records law.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 171.450(1)(a) requires the department to establish procedures for the compilation and submission to the department of lists and schedules of public records proposed for disposal.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There will be no net effect on agencies' expenditures and revenues. Continued good records management results in cost savings for government and a more efficient operation of government.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

There will be no additional revenues generated for the first year because of this regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

There will be no additional revenues generated for subsequent years because of this regulation.

(c) How much will it cost to administer this program for the first year?

There will be no additional costs generated for the first year because of this regulation.

(d) How much will it cost to administer this program for subsequent years?

There will be no additional costs generated for subsequent years because of this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):\$0.00

Expenditures (+/-):\$0.00

Other Explanation:

N/A