

# Public Records Retention and Disposition at NC State University

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## The North Carolina Public Records Act

[The North Carolina Public Records Act](#), or North Carolina General Statute 132 (N.C.G.S. 132), is the North Carolina law that governs the management of public records by state agencies.

North Carolina State University is required to retain, dispose of, and provide its public records in accordance with this law.

This presentation will provide guidance regarding retaining and disposing of public records in accordance with the North Carolina Public Records Act.

## What are Public Records?

N.C.G.S. § 132-1(a):

"Public record" or "public records" [are records] made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

**Public records are records made or received when transacting business on behalf of NC State University.**

## How are Public Records Created?

N.C.G.S. § 132-1(a):

“Public record” or “public records” [are records] made or received . . . in connection with the transaction of public business by . . . every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

**Records that NC State personnel make or receive “. . . in connection with the transaction of public business” on behalf of the university are public records.**

## Types and Formats of Public Records

N.C.G.S. §132-1(a):

“Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics . . .

**Public records can be in many formats, including (but not limited to), the following:**

- **Hard copies**
- **Email, Texts, Messaging**
- **Google Docs, Sheets, Slides, etc.**
- **Films/photos/images and Recordings**
- **Social Media posts**

## Summary:

NC State University employees create public records when they transact business on behalf of the university, whether they use paper, email, text, messaging, or other forms of communication.

## The UNC System Retention and Disposition Schedule

The North Carolina Department of Natural and Cultural Resources (NCDCCR) is responsible for providing the guidelines for records retention and disposition for all universities in the UNC System.

NC State employees must manage their records in accordance with the NCDCCR's [University of North Carolina System Records Retention and Disposition Schedule](https://archives.ncdcr.gov/media/1023/open) (archives.ncdcr.gov/media/1023/open).

The Schedule describes:

- The Series (or types) of records;
- The length of time records must be preserved; and
- How to dispose of records.

## Disposition of Records

1. Review the content of the record.
2. Check the [UNC System Records Retention and Disposition Schedule](#) to determine the record's retention and disposition. The Table of Contents links to different series of records. You may also conduct a search by using CTRL-F.
3. Create and maintain a Destruction Log. The Destruction Log should include the types of files that were disposed of; the date they were eligible for destruction according to the Schedule; and the date of disposition. A Destruction Log template is available at the [NC Department of Natural and Cultural Resources website](#) (see Records Management Tools – Forms and Templates at [archives.ncdcr.gov/government/rm-tools](http://archives.ncdcr.gov/government/rm-tools)).
4. The Schedule describes those records that should be sent to NC State University's Archives. Please visit the [University Archives: Transferring Records](#) website for directions and forms.

## Who Manages Public Records?

[NC State University's Record Retention and Disposition Regulation](#) (REG 01.25.12) provides guidance regarding the management of public records.

The Regulation states:

Each unit head should identify and appoint a Records Manager who shall be responsible for ensuring that

- (a) Unit records are retained and disposed of in accordance with the System Schedule and unit specific schedule;
- (b) Access to confidential university records and information is restricted;
- (c) Records with historical value are delivered to the University Archivist; and
- (d) Accurate records of destruction or transfer activity are maintained.

## “The Copy of Record” versus “Reference” Copies

The Schedule provides the following guidance:

A record copy [“The Copy of Record”] is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.” The copy of record is the one whose retention and disposition is mandated by this Schedule; all additional copies are considered reference or access copies [“Reference” copies] and can be destroyed when their usefulness expires. Appropriately retaining record copies and disposing of reference copies requires institutions to designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

- **“The Copy of Record” must be retained and disposed of in accordance with the Schedule.**
- **“Reference” copies may be disposed of when their usefulness expires.**

## Transitory Records

The Schedule provides the following guidance:

**Transitory** records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.” North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called “transitory records.”

- Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed.
- Memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

## Drafts

The Schedule provides the following guidance:

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of N.C. Gen. Stat. § 132, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of university policy that is already formally documented.

## Electronic Records

**Key Note:** The content of the record, not the format of the record, determines its retention and disposition.

- Emails sent or received in the transaction of university business are public records.
- Electronic records are subject to the same retention and disposition as paper records.
- Born Digital: Many records are created solely in electronic format (i.e. they never existed as hard copies). The digital records are subject to the same retention and disposition guidelines as hard copies.

## Example

**NC State receives a letter requesting public records. How long must the letter be retained?**

According to the Schedule, “Requests submitted by persons seeking access to University records and documentation of University response” may be disposed of after two years.

**NC State receives an email requesting public records. How long must the email be retained?**

According to the Schedule, “Requests submitted by persons seeking access to University records and documentation of University response” may be disposed of after two years.

**NC State receives a request for public records via its online public records request portal. How long must the electronic version of the request be retained?**

According to the Schedule, “Requests submitted by persons seeking access to University records and documentation of University response” may be disposed of after two years.

## FAQ

**Q: How long must I retain records?**

A: The records must be retained for no less than the amount of time described in the Schedule.

**Q: How long do I have to keep copies of originals?**

A: “Reference” copies can be disposed of when they are no longer useful. The “copy of record” should be retained according to the Schedule’s guidelines.

**Q: How long do I keep drafts?**

A: Drafts may be disposed of after the final version of the record has been approved if they are no longer necessary to support the analysis or conclusions of the official record.

## Contact Information

For additional assistance regarding records management, please contact:

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