

## GUIDANCE FOR THE PERMANENT RETENTION OF RECORDS

The Public Records Board (PRB) reviews Records Retention Disposition Authorizations (RDAs) that stipulate the permanent retention of a record series. The preferred method to ensure that a series remains accessible over time for review, analysis, historical research, and consultation is to transfer the records to the State Archives at the Wisconsin Historical Society. There are limited instances, however, when the state agency or local unit that created or received the records should keep them permanently. In such cases, they must cite the supporting statute, code, other legal authority which specifies the permanent retention, or provide sufficient justification when they submit the RDA, following the instructions on the PRB-001 or PRB-003 forms. The PRB will review and approve the request if convinced the retention is necessary and appropriate based on the provided citation.

When a state agency or local unit requests permanent retention of records, it implicitly commits to carrying out functions that maintain the integrity of the records and their information over time. These are detailed in Administrative Rule 12<sup>1</sup>, and include:

- Public access
- Preservation
- Storage and format migration
- Security
- Arrangement and description

Undertaking these functions makes the state agency or local unit a *de facto* archival repository; this is a serious choice to make, and they must carefully gauge the costs, benefits, and handicaps involved in retaining records permanently.

Because of the responsibilities involved with retaining records permanently, the PRB recommends permanent retention for vital records, records that document land and property ownership, plat maps, records that establish jurisdiction, and UW student academic records.

The PRB does not recommend the permanent retention of operational records, case files, administrative rulemaking records, policy documents (once superseded), and reports. Agencies and local units should not retain record series permanently for purposes of reference, to respond to public inquiries, or to document the agency/unit's history. These records should be retained by the agency or unit for an appropriate retention and then transferred to the State Archives who can fulfill these administrative needs.

The following function guidelines help define the responsibilities accepted when keeping records permanently; they are not mandated directives from the PRB with the force of law or administrative rules. The guidelines apply to records in any format: paper, electronic/digital, audio recording, video recording, photographic, etc. They briefly explain each of the functions for maintaining permanent records and what outcomes the functions accomplish.

The PRB will apply these guidelines on a case-by-case basis as situations call for them and as points for discussion between the PRB and the requesting state agency or local unit about a specific request for permanent retention.

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<sup>1</sup> <http://publicrecordsboard.wi.gov/docview.asp?docid=15970&locid=165>

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## Function Guidelines for Permanent Record-Keeping

### 1. **Public Access:**

Except in certain cases enumerated by statute, permanently retained records are still available to the public for inspection. Open records laws apply to these records as they do to all other records.

### 2. **Preservation:**

To ensure permanent records remain accessible over time, state agencies and local units keeping them must take reasonable measures to maintain them physically intact. Appropriate measures for doing this differ according to record formats, but it is always important to use archival-quality storage enclosures and containers. Maintaining proper temperature and relative humidity in storage areas also does a great deal to prolong the useful life of records. Disaster plans should include procedures for the salvage and recovery of permanent records in case of fire, flood, or other disasters.

Permanently retained electronic records have specific concerns surrounding the file formats, the system the created or holds the records, and record integrity. Additionally, permanent records on file servers or in databases require care over time; they must be migrated as formats and standards change, checked periodically to ensure readability, and appraised periodically to ensure the continued retention is necessary.

Wisconsin state agencies and local units are increasingly turning to the digitization of their public records, often with the plan to retain these digital files permanently. When considering whether to scan a record series, the agency should examine records schedules and amend the Records Disposition Authorization (RDA) to reflect the new format, any changes to identifying the official record and changes in retention time that may apply to the digitized documents.

After scanning is completed, agencies must:

- Ensure the records are stored, maintained and migrated to accessible formats throughout the lifecycle of the record until deletion or transfer according to the RDA.
- Ensure there is a procedure in place to delete or transfer digitized records at the end of their approved retention time.
- Ensure the scanned records are not subject to accidental or unauthorized destruction.

Particular care must be applied when scanning confidential records. During the scanning process, and throughout the record's lifecycle, agencies must maintain confidentiality and limit access to those persons authorized by law, administrative rule or established agency policy.

### 3. **Storage and Format Migration:**

Permanent records must be stored in such a way as to provide the appropriate access to them. This storage must protect and maintain the necessary physical arrangement of the records. It should also allow for the retrieval of the records in a timely way when staff need to consult them. Storage should enable the proper administration of confidential records.

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Administrative Rule 12 outlines the requirements for the long term storage of electronic records. Any records retained permanently by the creating agency should comply with this rule.

### 4. **Security:**

Keeping a sizeable volume of permanent records is a significant commitment of resources. Protecting the investment in these records requires adequate security. Not only must permanent records be kept safe from theft or vandalism, they must also be protected against unauthorized access and use. State agencies and local units should establish security procedures and assign staff responsibilities in accordance with those procedures. Permanent records form a vital component of a state agency or local unit's administrative documentation. Therefore, the agency's disaster recovery plan must explicitly incorporate permanent records.

### 5. **Arrangement and Description:**

This function ensures the state agency or local unit will maintain intellectual and physical control over the records it keeps permanently. Carrying out these functions renders the records understandable and accessible to interested members of the public and researchers.

Permanently retained records should be arranged in an appropriate manner and described in a way that captures the form and content of the records, their filing structure, and their relationships to other records. The state agency or local unit must perform these tasks in order to facilitate the records' continued use by their staff and by citizens at large.