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Temporary Records

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Reference Number: CTAS-1191

If a record needs to be kept around for some reason after its initial use, then it is at least a temporary record. Temporary records are officially defined as "...material which can be disposed of in a short period of time as being without value in documenting the functions of an agency."^[1] Financial and payroll records are good examples. Payroll records have fulfilled their immediate purpose once your employees receive their checks. But those records also must be kept in order to comply with federal statutes and regulations and are important documents in the case of an audit. Most of these retention periods are fairly short (three to five years) and therefore it is simplest to keep most temporary records in their original paper format during this retention period. For a few classes of temporary records, the retention period is long enough or the class of records is so voluminous that it may be helpful and cost effective to transfer the record to a different format for storage during the retention period. Additionally, some temporary records may only exist in electronic format and will never be printed on paper. The law allows this practice as long as certain conditions are met. Regardless of what form the record is in (paper, computer disc, microfilm) the period of retention is determined by the *content* of the record and not its *format*. Although they take up less space, electronic records also need to be managed and preserved or destroyed in accordance with retention schedules and RDAs.

Once a temporary record has been retained for the period described in the schedule, then, like a working paper, it may be destroyed in accordance with the rules and regulations of the county public records commission.^[2] The rules of the records commission should require the official wishing to destroy temporary records to notify the commission of the kind of record to be destroyed and cite an authority for its destruction. An easy way to do this is to use the five-digit code number that appears with each listing in the retention schedules as a reference for the authorization to destroy the record. Although your county public records commission may wish to individually review each request to destroy temporary records before approving destruction, it may also provide for a less cumbersome procedure.

Continuing Authorization for Destruction of Temporary Records

The Tennessee State Library and Archives has agreed that county public records commissions can provide "continuing authorization" to destroy records so long as the official is complying with the retention schedules. If your records commission adopts the retention schedules and adopts rules that allow for continuing authorization, it is recommended that all officials request continuing authorization from the commission. Once granted, they would only need to notify the commission when records are being destroyed in compliance with the schedule, identifying the type, age, and quantity of the records, and would not have to wait for further authorization or approval to proceed.

For example, many payroll-related records need to be kept for three years. The retention schedule for *Employment Records* describes those records and cites the federal regulations that establishes that retention period. To use continuing authorization to dispose of these records, use the following steps:

1. The public records commission should adopt the retention schedules.
2. The official who has custody of the records should develop an RDA that describes the records he or she believes fall into these records classes.
3. The public records commission should review the RDA to make sure it describes records which appropriately fall under the chosen retention period and then approve the RDA.
4. Once the RDA is approved, the official can begin destroying all records that are covered by the RDA which have been kept for the length of time designated in the retention schedule. As time passes and more records pass the threshold for destruction (in this case three years), the official can automatically destroy the records and send a brief notice to the records commission informing it of this action.

This process can continue indefinitely, without the need to make formal requests or wait on approvals, until such time as the official or the records commission determines that the RDA needs to be revised or reconsidered.

[1] T.C.A. § 10-7-301.

[2] T.C.A. §§ 10-7-406(b) and 10-7-413.

Source URL: <https://www.ctas.tennessee.edu/eli/temporary-records>