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Records Management

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Records Management	5
Reasons for Records Management	5
Legal Issues	6
Laws that Require Records to Be Kept	6
Laws that Govern How You Manage Your Records	7
Open Records Requirement	8
County Public Records Commission	8
Creation and Membership	9
Organization and Compensation	9
Jurisdiction and Authority of the Public Records Commission	9
Miscellaneous Authority	10
Funding	11
Establishing a Public Records Commission	11
The Advantages of a Public Records Commission	13
Public Access to Records	13
The Freedom of Information Act (FOIA)	13
Tennessee Public Records Statutes	14
Who Has Access?	14
How Should Access Be Provided?	15
Limiting Risks	16
Providing Copies of Public Records	16
Charging for Copies	16
Records with Commercial Value	17
Special Issues in Providing Access to Court Records	17
Expunging Court Records	18
Providing Access to Records in Non-Paper Formats	18
Providing Access to Electronic or Computerized Records	19
Remote Access to Computerized Records	19
Denial of Access to Public Records—Liability	20
To What Records Is the Public Entitled Access?	21
Confidential Records	21
Maintenance of Confidentiality	23
Special Considerations and Specific Types of Confidential Records	24
Personally Identifying Information	24
Motor Vehicle Registration Records	24
Vital Records	25
Law Enforcement Personnel Records	25
Computerized Data Breaches	26
Domestic Violence Prevention and Protection Documents	26
County Hospital and Health Department Records and Ambulance Records	26
HIPAA	27
Credit Card Numbers and Credit Reports	28
Student Records	29
The Family Educational Rights and Privacy Act	29
Model Notification of Rights under FERPA for Elementary and Sec- ondary Schools	30
Model Notice for Directory Information	32
Educational Records of Disabled Students	33
Tennessee Statutes Affecting Education Records	34
Basic Records Management	36
Evaluate	36
Inventory	36

Filing Systems	37
Filing Equipment	37
Records Disposition Authorizations (RDAs)	38
Develop Written Policies and Procedures	39
Continuing Maintenance	39
Disposal of Records	40
Working Papers	40
Temporary Records	40
Permanent Records	41
Methods of Destruction	42
Special Considerations	42
Financial Records and Audits	42
Exhibits and Evidence in Court Cases	43
Other Miscellaneous Special Considerations	44
Alternative Storage Formats	44
Alternative Formats and Temporary Records	44
Microfilm	45
State Laws Regarding the Photographic Preservation of Records	45
Technical Guidelines	46
Electronic Records	47
Creating Records in an Electronic Format	47
Electronic Conversion of Paper Records	48
Why Electronic Formats May Not Be Well Suited for Permanent Records	48
Other Issues Relative to Electronic Records	49
Records Management and E-Mail	49
Electronic Signatures and Transactions	50
Geographic Information Systems Records	52
Identity Theft and Unauthorized Access to Electronic Records	53
Proper Storage Conditions	53
Records Centers	54
Establishing Archives	55
Disaster Preparedness	57
Contingency Plans	57
Vital Records Protection	58
Retention Schedules	59
Current Retention Schedules	59
Accounting, Purchasing and Other Miscellaneous Records	60
Animal Control Records	63
Assessor of Property Records	64
Circuit and Criminal Court Records Retention Schedule	68
Clerk and Master Records Retention Schedule	76
County Clerk Records Retention Schedule	89
County Election Commission Records Retention Schedule	101
County Mayor Records	104
Department of Education Records	107
Employment Records	115
Fire Department Records	121
General Sessions Court Records	123
Highway Department Records	124
Juvenile Court Records Retention Schedule	126
Planning and Zoning Records Retention Schedule	128
Register of Deeds Records	129
Sheriff's Records Retention Schedule	135

Solid Waste Departments and Landfill Records Retention Schedule 140
Trustee's Records 142
Master List of Records Included in the Disposition Schedules 146
Appendix A: Statutory Provisions Governing County Public Records and the Coun- ty Public Records Commission 165
Appendix B: Tennessee Archives Management Advisory 169
Appendix C: Sample Resolution to Establish the Membership of the County Public Records Commission 172
Appendix D: Sample Resolution to Establish a County Archives 173
Appendix E: Sources of Additional Information 174
Appendix F: Records Inventory Worksheet 176
Appendix G: Records Disposition Authorization for County Government Records ..	. 178
Appendix H: Additional Disaster Recovery Resources 180

Records Management

Reference Number: CTAS-197

Records management is an often overlooked issue in both public and private sector offices; however, this task is becoming more vital everyday. In this information age, everyone—from the average citizen to the largest corporation or government—must find a way to preserve, manage, store, and organize their records. Whether it is a neighbor finding this month's phone bill and getting it paid on time, or General Motors keeping accurate wage and hour records on its employees, everyone needs a system for tracking documents and the information in them. Good managers will expend significant time and effort in planning and making decisions about their labor force and their facilities. Few take the time to think about their records. The records of an office are often as essential to its operation as its employees, facilities, and equipment. New employees can be hired and trained to replace those who leave; new office space and equipment can be leased or purchased to replace anything that is lost, even in the worst disasters. If your records are lost or destroyed, however, there is nowhere to go to purchase a replacement, and they often cannot be recreated.

For certain county officials, like the register of deeds or the clerk of a court, record keeping is one of the central duties and purposes of the office. For others, like highway departments or sheriff's offices, record keeping is incidental to the fundamental purpose of the office—maintaining roads or law enforcement. Nevertheless, these offices must still comply with federal and state statutes that require accurate records regarding the personnel, finances, and other aspects of the office. Good records management practices will benefit both types of offices.

Reasons for Records Management

Reference Number: CTAS-213

Proper records management not only conveys organizational and managerial benefits to an office, but also—for local government offices—it is a vital task, necessary for fulfilling important legal requirements and duties. The following are just a few of the reasons your county should take records management seriously.

Space

In most counties, space is not the final frontier; it is the final battle. It is rare for a county office or courthouse to have all the space it needs. Most local officials would complain that the necessary records of the office are rapidly filling up all available space. Courthouses are bursting at the seams with old records stuffed into basements, storage closets, attics, and other creative locations. For this reason alone, it is important and cost effective for a county to implement a records management program.

Records Serve as a Legal Foundation

In a society of laws, local governments and the citizens they serve are both dependent upon good documentation to demonstrate their legal status. Court orders, marriage licenses, and the minutes of the county commission are just a few examples of important documents that create relationships, establish rights or liabilities, and authorize certain actions. When disputes arise over legal issues, it is important to have good documentation on which to rely. Local governments have an important responsibility to preserve these records. Proper records management will ensure these records are preserved and can be found when needed.

Open Records Requirements

Since government records are generally open to public inspection, the task of managing records becomes even more important and more complicated. The principle of allowing public access to government records, combined with so-called "sunshine laws," which require open meetings, is considered an important check on government and an important defense against corruption in public office and mismanagement of public resources. Unless there is a specific legal exemption that makes a record confidential, the public has the right to inspect and get a copy of the records of government agencies. So you must as a county official, not only preserve and keep records, you must also allow public access to these records for inspection. Unless your records are well organized and well protected, you may not be able to comply with public requests for information, undermining public confidence in government and hindering your office's relationship with the citizens it serves.

Historical Preservation of Documents

Counties play a vital role in preserving our nation's history. The documents and records of local governments give us insights into the lives of our ancestors and the circumstances of their times. Counties with too many records and too little space for the records end up putting them wherever they can. In

many cases, these storage areas do not adequately protect the records from the elements. Heat, moisture, mildew, insects, and vermin can quickly render records useless. The county and its citizens may be losing important information as well as a part of their past and their heritage. With proper records management, the important records are preserved, the less essential records are destroyed when no longer useful so they do not take up all the available space, the records are catalogued and organized so officials and the public can access them, and records are stored under proper conditions to enable long-term preservation.

Legal Issues

Reference Number: CTAS-212

County governments, and all the secondary offices, boards, committees, and commissions in a county, are creations of the law. They find their origin in either the Tennessee Constitution or statutory law. It is a long established principal in Tennessee law that counties can only do those things that the law authorizes them to do. Therefore it is vitally important to any operation of county government to know what the laws are that authorize the county to perform a function and to know what the laws are that place limitations around that authority. There are laws that require counties and county officials to keep records, and there are laws that govern how a county manages its records.

Laws that Require Records to Be Kept

Reference Number: CTAS-1144

Not every record in a government office has a corresponding statute or regulation requiring that record be kept. Many records are generated simply as an ordinary course of business without any legal authority mandating their creation. But the creation and preservation of certain other records are required by specific laws. The laws affecting individual records are referenced in the retention schedules.

Federal Laws and Regulations

County officials should be aware that federal laws and regulations require them to keep certain records. This is particularly true of payroll information and other employment-related records. Most of the laws regarding how we hire, fire, compensate, and treat employees are generated at the federal level. The Family and Medical Leave Act, the Fair Labor Standards Act, the Occupational Safety and Health Act are just a few of the laws that place certain burdens on employers to keep records regarding their employees. These statutes also generate a whole other layer of federal regulations that govern the implementation and enforcement of the acts. In addition to personnel issues, federal laws and regulations also touch such diverse topics as student records and voter registration. Laws passed by the U.S. Congress are codified in the United States Code (U.S.C. or U.S.C.A. for United States Code Annotated). The massive amounts of rules and regulations generated by the different federal agencies are primarily found in the Code of Federal Regulations (C.F.R.).

State Laws and Regulations

Since county governments are instrumentalities of the state, most of the laws regarding what records need to be kept by county offices and how those records should be managed are found in the Tennessee Code Annotated (T.C.A.). As with the federal government, the state of Tennessee also has a set of rules and regulations promulgated by state agencies, boards, and commissions which are published by the secretary of state and known as the Official Compilation Rules and Regulations of the State of Tennessee.

The duties of most county officials can be found spelled out in Title 8 of the Tennessee Code Annotated. For most offices, a requirement is included in the duties of the office to keep and preserve specific types of records. Certain county offices, such as the register of deeds, the clerks of the various courts of the county, and the county clerk, have a primary function of record keeping. The proper and efficient performance of these duties is necessary not only for the continued operation of the county government, but also for the preservation of order in our society. Without them, our criminal justice system, our civil courts, and our rights of property ownership would be thrown into chaos. But even offices without a primary record keeping function are required to keep records.

Even though county officials may change with every election, the offices themselves must maintain a level of continuity. To ensure this, the responsibility for keeping and turning over the records of county offices was specifically addressed in the statutes requiring county officials to be bonded. Part of what is insured by the bond of an official is the fulfillment of a duty to "...faithfully and safely keep all records required in such principal's official capacity, and at the expiration of the term... turn over to the successor all records

and property which have come into such principal's hands...".^[1] Failure to do so can result in recovery against the insurance company or sureties on the bond who may in turn proceed against the official in his or her individual capacity for subrogation of the claim. It is the solemn obligation of each county official to act as the legal custodian of the records of that office, to provide for their security and care, and to turn them over in good order to his or her successor.

[1] Bayless v. Knox County, 286 S.W.2d 597 (Tenn. 1955).

Laws that Govern How You Manage Your Records

Reference Number: CTAS-1145

Good Record Keeping as a Bedrock of Law and Government

If you ever thought the way we do things seems to have come from the dark ages, you were right. Some practices of record keeping in government offices, particularly certain local government offices, are literally ancient. The importance of keeping accurate records of property transactions and legal proceedings is a bedrock of English law and goes back a thousand years. Laws that require the recording of documents in "well bound books," the necessity of having a written record to show property ownership, the creation of specific offices to keep these records all go back to the Middle Ages. Up until the advent of the computer, we had been doing things pretty much the same way they had been done since the 13th century. Even today, some of the laws in our Tennessee code regarding the records of the register's office and the offices of the clerks of court retain elements of this language from more than 700 years ago. Something does not last that long without there being a good reason. Basic rights that we take for granted, such as the rule of law and the sanctity of private property, are impossible without a good, durable record keeping system. All this should impress the Tennessee county official that he or she is the inheritor of a great and solemn tradition of responsible record keeping. Generations of clerks, registers, and officials before them have discharged this public trust and, hopefully, passed the records on to you in good shape.

Basic Record Keeping Statutes

Both the older state laws on records management and their more modern counterparts are found primarily in Title 10, Chapter 7 of the Tennessee Code Annotated. Parts 1 and 2 of that chapter contain a number of statutes about preserving, transcribing, and indexing records. The statutes require the county to "procure for the register's office well-bound books for the purpose of registering therein such instruments of writing as are required by law to be registered..."^[1] Among other things, the laws direct how to transcribe information from books that have been "damaged or mutilated by fire or otherwise,"^[2] require the county to appropriate money to rebind books when necessary,^[3] and designate how the clerks of courts and the register are to properly index the books.^[4] As was discussed earlier, the county official can be held liable for failure to safely keep the records of his or her office. An exemption is granted here relieving an official of liability during the time record books are out of the custody of the county clerk, clerk and master, circuit court clerk, or register for the purpose of having books rebound.^[5]

Not all of our records statutes are steeped in the past. Although many of the laws found in these parts seem headed the way of the dinosaur, there are some that point to the future. One of these newer, more progressive statutes authorizes maintaining any information required to be kept by a government official on a computer or on removable computer storage media instead of bound books or paper if certain standards are met.^[6] Another authorizes county officials to provide computer access and remote electronic access to information maintained on computer media in the office.^[7] A third authorizes the register to maintain all indices required of the office on a computer instead of index books.^[8] When granting new authority to adapt to modern technology, our state legislature has been cautious. All of these statutes condition the use of electronic media on a number of safeguards and restrictions.

The State Public Records Commission

Part 3 of Chapter 7 of the Tennessee Code, Title 10, establishes the State Public Records Commission and designates the Records Management Division of the Department of General Services as the primary records manager for all state government records.^[9] Currently, these entities do not take jurisdiction over county government records, but they can be looked to as examples for proper records management and preservation. There are similarities between the responsibilities and powers of the State Public Records Commission and the county public records commissions that have jurisdiction over county records. The county public records commission is vital to any records management program for county governments.

- [1] T.C.A. § 10-7-102.
- [2] T.C.A. § 10-7-104
- [3] T.C.A. § 10-7-105.
- [4] T.C.A. § 10-7-201, et seq.
- [5] T.C.A. § 10-7-120.
- [6] T.C.A. § 10-7-121.
- [7] T.C.A. § 10-7-123.
- [8] T.C.A. § 10-7-202
- [9] T.C.A. § 10-7-301, et seq.

Open Records Requirement

Reference Number: CTAS-1214

All county records must be open for personal inspection by any citizen of Tennessee during business hours of the various county offices. County officials in charge of these records may not refuse the right of any citizen to inspect them unless another statute specifically provides otherwise (T.C.A. § 10-7-503) or they are included in the list of specific records that are to be kept confidential under T.C.A. § 10-7-504 or some other legal authority. Information made confidential by Title 10, Chapter 7 must be redacted whenever possible. T.C.A. § 10-7-503. In the event it is not practicable for a requested record to be promptly made available for inspection, the records custodian shall within seven business days: (i) make the record available; (ii) deny the request in writing stating the basis for the denial; or (iii) furnish the requestor a response form stating the time reasonably necessary to produce such record. T.C.A. § 10-7- 503.

The Office of Open Records Counsel, created in 2008, was charged with developing a schedule of reasonable charges which may be used as a guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public records. On October 1, 2008, the Office of Open Records Counsel issued its Schedule of Reasonable Charges for Copies of Public Records. Records custodians are authorized by T.C.A. § 10-7-503 to charge reasonable costs consistent with the schedule. The schedule, together with instructions for records custodians, can be found on the website of the [Office of Open Records Counsel](#). Charges established under separate legal authority are not governed by the schedule, and are not to be added to or combined with charges authorized under the schedule. Questions regarding the schedule should be directed to the [Office of Open Records Counsel website](#).

A citizen denied access to a public record is entitled to file a petition for inspection in the circuit court or the chancery court of the county in which the records are located, or in any other court of that county having equity jurisdiction. The county official denying access to the record has the burden of proof to justify the reason for nondisclosure. If the court directs disclosure, the county official shall not be held criminally or civilly liable for the release of the records, nor shall he or she be responsible for any damages caused by the release of the information. If the refusal to disclose the record is willful, the court may assess all reasonable costs involved in obtaining the record, including reasonable attorneys' fees, against the county official. T.C.A. § 10-7-505.

In addition to creating a schedule of charges for records requests, the Office of Open Records Counsel has been charged with the duty to answer questions from and issue advisory opinions to public officials regarding public records. T.C.A. § 8-4-601. This office should be a valuable resource for questions on open records.

County Public Records Commission

Reference Number: CTAS-211

In 1959, the Tennessee General Assembly first made provision in the Tennessee Code for the creation of a county public records commission.^[1] Although the creation of the commission was optional at the time, the organization and responsibilities of the commission under the 1959 law were very similar to what one finds in the state law today. The express purpose of the commission is "to provide for the orderly disposition of public records created by agencies of county government."^[2] While minor revisions and additions to the statutes regarding this commission have occurred over the last few decades, the most significant change in the county public records commission occurred in the mid-1990s, when the legislature amended the law to mandate the creation of this body.^[3] Ever since 1994, every county in Tennessee has been required by law to have a County Public Records Commission.

^[1]1959 Public Chapter 253.

^[2]T.C.A. § 10-7-401.

^[3]1994 Public Chapter 884.

Creation and Membership

Reference Number: CTAS-1146

The commission is required to be composed of at least six members. Three of the members are appointed by the county mayor subject to the confirmation of the county legislative body. Of those three, one appointee is to be a member of the county legislative body, one is to be a judge of one of the courts of record in the county (or the designee of the judge), and one is to be a genealogist. In addition to these appointees, certain county officers automatically become members of the county public records commission by nature of the office they hold. These *ex officio* members include the county clerk (or the designee of the county clerk), county register (or the designee of the register), county historian and, in those counties with a duly appointed archivist, the county archivist. In counties having a technology department or information technology department, the county legislative body may designate the director of such department as an *ex officio* member of the commission, and if so designated, the director or designee of the director shall also serve as an *ex officio* member of the commission. The *ex officio* members remain on the commission for as long as they hold their office. The appointed members of the commission serve until they vacate office, at which time the county mayor appoints a replacement in the same manner as provided above.^[1] Since the state statute mandating the records commission places no limitations on the *ex officio* members, there are no distinctions between the *ex officio* members and appointed members. All members of the County Public Records Commission have the same rights and privileges, including voting rights.^[2] If your county does not have a public records commission or if your records commission has become inactive, it is strongly recommended that you begin taking steps to comply with the law and establish the commission.

[Sample resolution for creating a public records commission](#)

^[1]T.C.A. § 10-7-401.

^[2]Op. Tenn. Att’y Gen. No. 98-114 (June 23, 1998).

Organization and Compensation

Reference Number: CTAS-174

The commission is directed to elect a chairperson and a secretary and to keep minutes of all its proceedings and transactions.^[1] Members of the commission are not paid a salary except that any member of the commission who does not already receive a fixed annual salary from the state or the county may receive a per diem of \$25 for each day of actual meeting. All members may be reimbursed for actual necessary expenses incurred in performing the duties of the records commission.^[2] Although active commissions may meet more regularly, the state law requires that the County Public Records Commission meet at least twice each year.^[3]

¹T.C.A. § 10-7-402.

²T.C.A. § 10-7-402.

³T.C.A. § 10-7-402.

Jurisdiction and Authority of the Public Records Commission

Reference Number: CTAS-179

The county public records commission is granted the power to oversee the preservation and authorize the destruction of any and all public records as defined by the law to be within the jurisdiction of the commission.

Those records within the jurisdiction of the county public records commission include—

- All documents, papers, records, books, and books of account in all county offices;
- The pleadings, documents, and other papers filed with the clerks of all courts including the courts

of record, general sessions courts, and former courts of justices of the peace and the minute books and other records of these courts; and

- The minutes and records of the county legislative body.^[1]

Note: Prior to 1999, the County Public Records Commission also technically had jurisdiction over municipal records. As a practical matter, few municipalities were working with the county public records commission to manage their records. Since a legislative change in 1999,^[2] municipal records are no longer within the purview of the County Public Records Commission.

Oversight Over the Disposal and Final Disposition of Records

The most important role of the County Public Records Commission is to provide oversight and make determinations regarding the ultimate disposition of the records of county offices. County governments in Tennessee are not highly centralized. Individual elected officials have a great deal of independence in the management of their own offices. Recognizing this, and realizing the danger of a single official having the sole discretion regarding whether to keep important public records, the state legislature created the county public records commission and provided it with the authority to decide whether county records should be retained or destroyed.^[3] It is the responsibility of the commission to ensure that no county records that need to be preserved are destroyed prematurely and to ensure that original records which have been reproduced into other storage media have been properly duplicated before the originals are destroyed. In working with county officials, the commission should strive to balance this responsibility to protect records against the need to manage records efficiently. Since destroying records is absolutely necessary for keeping the records of an office manageable, the commission should encourage and cooperate with local officials in culling the obsolete and unnecessary records from their offices. There are two primary circumstances where the public records commission may authorize destruction of records. First, the records commission may authorize the destruction of temporary value records and working papers that are no longer needed by county offices and departments through its rules and regulations.^[4] Second, the commission may authorize the destruction of original paper records that must be retained permanently once those records have been successfully preserved in another format.^[5]

Authorizing Transfer of Records

For records commissions that place a premium on the historical preservation of county records, the law provides an alternative to destruction. Once the County Public Records Commission determines that a county office, department, or court no longer needs to retain a record, the commission may provide for transferring the record to another institution instead of destroying it. The records may be placed into the custody of a local or regional public library, a local, regional or state college library, or the county archives, to be preserved for historical purposes.^[6] The transfer of the records should be approved by a majority vote of the commission. At any time after the records are transferred to one of the entities listed above, the commission may, after giving one month's notice to the institution holding the record, transfer the records to another institution. If appropriated by the county legislative body, county funds may be expended by the records commission for the purpose of transferring records to an institution or for the maintenance and preservation of the records.^[7] If your county chooses to transfer records to another institution for storage and preservation, it is recommended that the county enter into a contractual agreement with that entity specifying that it is only keeping them on behalf of the county and that ownership of the records is not being transferred. Rather than transferring the records to a private library or archives, the Tennessee State Library and Archives recommends that a county should establish its own archives or enter into an interlocal agreement with other local governments for the creation of a regional archives. For additional information, see [Establishing Archives](#).

^[1]T.C.A. § 10-7-403.

^[2] 1999 Public Chapter 167.

^[3] T.C.A. § 10-7-401, *et seq.*

^[4]T.C.A. § 10-7-406.

^[5]T.C.A. § 10-7-404.

^[6]T.C.A. § 10-7-414.

^[7]T.C.A. § 10-7-414.

Miscellaneous Authority

Reference Number: CTAS-175

Promulgating Rules and Regulations

In conjunction with its general oversight authority the county public records commission is authorized to promulgate rules and regulations over certain matters under its jurisdiction. Pursuant to state law, the records commission has the authority to establish rules and regulations regarding the making, filing, storage, exhibiting, and copying of reproductions of records.^[1] Such rules and regulations must be approved by the majority of the voting members of the records commission and must be signed by the chair of the commission.^[2] The rules and regulations should include, but need not be limited to, the following:

1. Standards and procedures for the reproduction of records for security or for disposal of original records in all county offices;
2. Procedures for compiling and submitting to all county offices lists, schedules, or time tables for disposition of particular records within the county; and
3. Procedures for the physical destruction or other disposition of public records.

Lamination

The law also expressly authorizes the records commission to provide for the lamination of permanent records.^[3] This, however, is one of those cases where the law was too quick to embrace a technology. Instead of protecting documents, the lamination process too often destroys the very documents it is intended to preserve. For this reason, **the Tennessee State Library and Archives strongly recommends that permanent records not be laminated** but rather encapsulated in mylar sleeves.^[4]

Establishing Copying Charges

The records commission has the power to establish charges and to collect such charges for making and furnishing or enlarging copies of records.^[5] (This authority applies usually to records in county archives. Often, office specific statutes govern the fees charged for copies of records in particular offices such as the register of deeds or court clerk.) While it will be up to the county legislative body to determine how to allocate these revenues, counties may want to consider "re-investing" them in equipment, supplies, or personnel expenses related to records management and records preservation.

^[1]T.C.A. § 10-7-411.

^[2] T.C.A. § 10-7-411(c).

^[3]T.C.A. § 10-7-413(b).

^[4] See Tennessee Archives Management Advisory 99-009.

^[5]T.C.A. § 10-7-409.

Funding

Reference Number: CTAS-1149

The county legislative body may appropriate such funds as may be required for carrying out the purposes of the County Public Records Commission. This includes, but is not limited to, funding for purchasing or leasing equipment, the equipping of an office and related expenses, hiring administrative assistants, and the employment of expert advice and assistance.^[1]

^[1]T.C.A. § 10-7-408.

Establishing a Public Records Commission

Reference Number: CTAS-1150

The Tennessee State Library and Archives (TSLA) has been extremely helpful in the development of the following guidelines and the **retention schedules**. It has employees on its staff who have the task of working with local officials and records commissions to ensure good county records management and the preservation of important historical documents from Tennessee's history (those from days gone by as well as those we are creating each day). TSLA offers the following list of basic minimum actions that county public records commissions should be taking in order to fulfill their function of basic records management and oversight. For those records commissions that desire and have the resources to be more progressive,

there are further recommended courses of action that follow.

Minimums

- Meet at least twice a year. (This is the statutory minimum.)
- Set a schedule for regular meetings so that county officials can plan ahead for their interactions with the records commission.
- Elect officers (at least a chairman and a secretary).
- Keep minutes and records of decisions and transactions.
- Oversee the preservation and authorize the destruction of any and all public records as defined by the law.
 - Request offices to conduct an inventory of their records and submit that inventory to the PRC.
 - Use records inventories to gauge need for the destruction of temporary records and the sufficiency of storage space for permanent records.
 - Encourage records-keeping officers and PRC members to familiarize themselves with the records retention schedules.
 - Require county offices to begin using a standard Records Disposition Authorization form to document requests for records destruction.
 - Review the request, then authorize or disapprove requests from county offices to destroy original records, using the retention schedules for guidance.
 - Assure that authorizations for destruction of public records are forwarded to TSLA for review within 90 days of the PRC authorization.
 - Follow-up on requests sent to TSLA before destroying any records to make sure that approval of the destruction has been given.
- Establish rules and regulations regarding the making, filing, storage, exhibiting, and copying of reproductions of records.
- Establish procedures for compiling and submitting to all county offices lists, schedules, or time tables for disposition of particular records within the county.
- Establish procedures for the physical destruction or other disposition of public records.

Progressive Steps

TSLA suggests the following further measures that a PRC can take to strengthen its records management function.

- Hold meetings more than twice a year. (If your county is just beginning an effort to get records management going, meeting more often will be necessary. Also, if all the offices of a county begin actively participating in records management, two meetings will probably not be sufficient to thoroughly review all requests.)
- Report at least once a year to the county mayor and legislative body on commission activities and the state of records and archives management in the county.
- Review records keeping practices in county offices and recommend to the offices and to the county mayor and legislative body remedies to correct faults and improvements to deal with emerging information and records needs.
- Work with county offices, CTAS, TSLA, and the Records Management Division of the state Department of General Services to draft, review, revise, and issue realistic records management schedules for local government records.
- Encourage the development of disaster recovery and vital records protection plans for all county offices.
- Review and approve all plans by county offices for electronic imaging or data processing systems to assure that
 - (a) the system employed will protect and preserve records designated as permanent by CTAS retention schedules, and
 - (b) a permanent, archival-standard microfilm of permanent records is produced.
- Encourage a regular program of microfilming to protect and preserve permanent records of the county. Send a copy of any microfilm produced to TSLA for quality control testing and storage in the vault.

- Become more familiar with any records you intend to destroy so that you can recognize any that may have historical value or are good candidates for transfer to a county archives or outside institute that can preserve the record for historical purposes.
- Propose to the county cooperative arrangements with other counties or cultural institutions such as libraries and universities for keeping, managing, and allowing for the public inspection of historically valuable records, including permanent public records of the county.
- Advise and propose to the county mayor and the legislative body the planning, development, site selection, establishment, funding, budget, regulation, and operation of a local archives and records office.
- Advise and recommend to the county mayor and legislative body the appointment and removal of personnel, including an archivist as director, for the central records office and archives.
- Review operations of any existing county records offices and archives to assure the county legislative body that they meet records management and archives management standards and satisfy the needs of the county and its citizens.

See [Basic Records Management](#) for additional information.

The Advantages of a Public Records Commission

Reference Number: CTAS-1151

Although the law requires that every county create a public records commission, there are more advantages to creating the commission than simply fulfilling the legal requirement. An active records commission helps to manage the records that your county generates efficiently and legally. Destroying out of date, temporary records alleviates records storage problems and frees up space in offices, possibly postponing the need for renovation or expansion of offices. If the records commission takes the additional measures suggested and works with the county to create an archives, the county has ensured that it has fulfilled its duty to provide long term access to public records as mandated by the Tennessee Code. Additionally, having an active PRC also demonstrates to the citizens of your county that its government is meeting its legal and custodial responsibilities of caring for public records.

For more information on how to get your PRC up and running, contact the [Archives Development Program](#) at the Tennessee State Library and Archives.

Public Access to Records

Reference Number: CTAS-210

Modern laws requiring public access to government records began to surface in the United States in the 1950s. But the concept of openness in government goes back to the start of our nation. Certain of the founding fathers placed a great deal of importance on the need for citizens to be informed about the activities of their government. However, even the most visionary of the founding fathers probably did not anticipate the depth and breadth of information held by the government today. The struggle to balance the right of the public to access government records with the increasing desire to protect privacy and confidentiality gets more difficult each year. While new technologies have enhanced our ability to manage data and information, they have also created new fears about abuse of personal and confidential information. The sword of liability can cut both ways. There are potential liability concerns for refusing access to records that are public and for disclosing confidential information. For these reasons, it is important for the custodian of public records to have a good understanding of the public's right to access government records and the limitations on that right.

The Freedom of Information Act (FOIA)

Reference Number: CTAS-1152

During the "atomic age" following WWII, a strong movement began on the state and federal level to allow the public access to information about what the government was doing and to files that the government had collected about individual citizens. This push resulted in the passage of "open records" laws in many states during the 1950s and culminated in the passage of the Freedom of Information Act at the federal government level^[1]. Tennessee was among those states passing an open records law in the 1950s.^[2] The specifics of our state laws will be discussed shortly, but first it is useful to make a few brief points about the Freedom of Information Act. "The Freedom of Information Act (FOIA)^[3] was passed by Congress in 1966 and amended in 1974. Based on the premise argued by Madison and Hamilton that openness in

government will assist citizens in making the informed choices necessary to a democracy, FOIA creates procedures whereby any member of the public may obtain the records of the agencies of the federal government.”^[4]

The main thing county officials need to know about the FOIA is that it applies to *agencies of the federal government*.^[5] The Freedom of Information Act does NOT apply to county governments. As a county records custodian, you need to be aware of the FOIA because citizens may try to assert their rights to county government records under that act due to confusion as to which laws apply. Different policies and procedures apply to federal offices under the Freedom of Information Act that are not included in the Tennessee public records statutes that apply to your office. Under the FOIA, citizens may request a federal agency covered by the act to perform searches of its records to locate certain information and then disclose the information, providing copies to the person making the request (subject to certain fees). As will be seen, Tennessee statutes allow broad access to public records, but they do not generally require local officials to perform searches or create new reports or responses to requests if those reports are not already a part of the office records.

^[1] *Using the Freedom of Information Act, a Step-by-Step Guide*, an American Civil Liberties Union Publication.

^[2] T.C.A. § 10-7-503, which makes most state and local government records in Tennessee public, passed in 1957.

^[3] 5 U.S.C.A. § 552(a).

^[4] *Using the Freedom of Information Act, a Step-by-Step Guide*, an American Civil Liberties Union Publication.

^[5] 5 U.S.C.A. § 552(f).

Tennessee Public Records Statutes

Reference Number: CTAS-1153

The public records statutes that do apply to county offices are found in Title 10, Chapter 7, Part 5 of the *Tennessee Code Annotated*. The starting point for a discussion of the law in this area is the declaration found in T.C.A. § 10-7-503, that government records are open to public inspection. It reads as follows:

... [A]ll state, county and municipal records ... except any public documents authorized to be destroyed by the county public records commission in accordance with § 10-7-404, shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.^[1]

This statute has been construed broadly by the both the state attorney general and the Tennessee judiciary.^[2] The legislature made it clear that its intent in passing this law was to “...give the fullest possible public access to public records” and it instructed the courts to exercise whatever remedies are necessary to ensure that purpose is fulfilled.^[3] The courts have ruled that a “presumption of openness” exists with government documents.^[4] That is not to say that public access is totally without limitation however.

^[1] T.C.A. § 10-7-503.

^[2] See generally, *Memphis Publishing Co. v. Holt*, 710 S.W.2d 513 (Tenn. 1986).

^[3] T.C.A. § 10-7-505(d).

^[4] *Griffin v. City of Knoxville*, 821 S.W.2d 921, 924 (Tenn. 1991).

Who Has Access?

Reference Number: CTAS-1154

The statute states that records must be open for inspection by any “citizen” of Tennessee. In keeping with the legislative intent to provide for liberal public access to government records, the Tennessee Supreme Court has determined that the word “citizen” includes convicted felons incarcerated as inmates within the Tennessee prison system.^[1] Although certain rights are stripped from individuals when they are convicted

of a felony (i.e. voting, ability to hold public office), the court concluded that neither the Tennessee Public Records Act nor any other statute prevented a convicted felon from seeking access to public records. Neither should access be denied to anyone else who appears to be a citizen of this state.

The law is not as generous with non-residents. Since the statute states that it grants public access to “any citizen of Tennessee,” the Tennessee attorney general has opined that public officials may deny requests for copies of public records based on the lack of state citizenship.^[2] Since there is no fundamental federal right to access of government records and since Tennessee’s laws provide access only to state citizens, the attorney general reached the conclusion that it is not a violation of the privileges and immunities clause of the United States Constitution to deny access to persons making requests from other states for Tennessee records. Keep in mind that although the act does not affirmatively require disclosure of public records to non-citizens, neither does it prohibit the release of public records to non-citizens.^[3] It is within the discretion of the official who has custody of the records to determine whether or not access will be provided to non-citizens. It is the recommendation of CTAS that offices should develop a written policy in that regard and enforce it consistently.

^[1]*Robin M. Cole v. Donal Campbell*, 968 S.W.2d 274 (Tenn. 1998).

^[2]Op. Tenn. Att’y Gen. No. 99-067 (March 18, 1999) re-affirmed by Op. Tenn. Att’y Gen. No. 01-132 (August 22, 2001).

^[3]Op. Tenn. Att’y Gen. No. 99-067 (March 18, 1999).

How Should Access Be Provided?

Reference Number: CTAS-1155

The law states that records shall be open to inspection “during business hours.” Every effort should be made to provide reasonable accommodation to parties requesting access to records; however, providing this service need not prevent the performance of other duties of the office. A request to see every record of an office and make a photocopy of each of them could obviously bring the entire operation of an office to a halt. For this reason, the official who has custody of the records is also authorized by law to adopt and enforce reasonable rules governing the making of extracts, copies, photographs or photostats of the records.^[1] These regulations should be reasonable and not interfere with the intent of the legislature to provide broad public access to records. The official with custody of the record should strive to balance the right to access records with his or her responsibility to preserve and protect the records. Regulations should be tailored to accommodate requests in a timely manner while allowing for the continued efficient functioning of the office and for the preservation and security of the records. Regulations that are intended to frustrate the ability of a citizen to access records will likely be found unreasonable and struck down by the courts. The county public records commission may serve as a valuable resource in developing and drafting these regulations.

Although there is little legal authority in this area, the following are some examples of regulations that would likely be found reasonable by a court:

- Establishing that copies of records would be provided within a reasonable time period (for example: the next business day for small requests and within five business days for larger requests);
- Prohibiting the inspection and copying of records by citizens without supervision of the official or an employee of the office; and
- Prohibiting the handling of older bound volumes or other fragile records by anyone other than an employee of the office so long as the information in the records is still provided in a usable format.

Another possible regulation could provide that requests for inspection of a large number of records would be accommodated only by appointment pursuant to a written request. In a 2001 opinion, the attorney general was asked to consider a very similar requirement. In opinion 01-021, the attorney general found that there was no clear answer to the question. While the public records laws are to be interpreted to allow the fullest possible access, this should not lead to absurd results. The attorney general opined that if a citizen challenged a requirement to set an appointment to view records, a court might not find this requirement to be tantamount to a denial of access if the agency could articulate a reasonable basis for requiring the appointment. Absent a legitimate reason, the court may conclude the requirement of an appointment was merely being used to delay access to the records.^[2] This opinion therefore appears to support the idea that local officials can implement reasonable regulations so long as there is a clear,

articulated reason for the regulation that relates to goals of records management. .

[1] T.C.A. § 10-7-506(a).

[2] See Op. Tenn. Att’y Gen. No. 01-021 (February 8, 2001).

Limiting Risks

Reference Number: CTAS-1156

Be aware that there is a danger of theft, vandalism, or damage by negligence inherent in allowing a member of the public access to government records. There is a profitable market out there for certain historical manuscripts. Across the country, government records are disappearing from government offices and reappearing for sale in antique stores, flea markets, speciality shops, or Internet auction sites. To prevent theft or vandalism, someone from your office should supervise the person accessing the records or, at a minimum, the person accessing the records should be required to examine them in an open area where abuse of the records or attempted thefts will be noticed. If county records have been lost in the past and are discovered in someone’s possession, the Tennessee Code, in Section 39-16-504, grants statutory authority to counties to initiate judicial proceedings to reclaim lost, stolen, or otherwise misappropriated records.

Providing Copies of Public Records

Reference Number: CTAS-1157

In all cases in which a person has the right to inspect public records, he or she also has the right to take extracts or make copies of the record, or to make photographs or photostats of the record while it remains in the possession, custody, and control of the official who has lawful custody of the record.^[1] In 1999, the attorney general interpreted this to mean that the Tennessee Public Records Act does not require a public official to make copies and send them to anyone regardless of whether or not they are a citizen of Tennessee.^[2] However, this opinion is limited by a subsequent court decision. In the case of *Waller v. Bryan*,^[3] the Tennessee Court of Appeals required public officials to make public records available to members of the public who could not visit the official’s office under certain circumstances. In that case, an inmate appealed the ruling of a chancellor that he was not entitled to requested records which were in the possession of a police department. The local government refused to make copies of the requested records and mail them to the inmate. Obviously, his circumstances did not allow him to appear in person to inspect the records and make a copy. The Court of Appeals held that as long as a citizen can sufficiently identify the requested records so that the government office knows which records to copy, the official should comply with the records request. To refuse to do so merely because the citizen could not appear in person would, in the words of the court, “place form over substance and not be consistent with the clear intent of the Legislature.”^[4] The court observed that a requirement to appear in person would not only limit access to records by inmates, but also all those Tennessee citizens who were prevented by health problems or other physical limitations from appearing at the government office.

[1] T.C.A. § 10-7-506(a).

[2] Op. Tenn. Att’y Gen. No. 99-067 (March 18, 1999).

[3] *Waller v. Bryan*, 16 S.W.3d 770, (Tenn. App. 1999).

[4] *Waller*, at 773.

Charging for Copies

Reference Number: CTAS-1158

The Office of Open Records Counsel, created in 2008, was charged with developing a schedule of reasonable charges which may be used as a guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public records. On October 1, 2008, the Office of Open Records Counsel issued its Schedule of Reasonable Charges for Copies of Public Records. Records custodians are authorized by T.C.A. § 10-7-503(a)(7)(C)(i) to charge reasonable costs consistent with the schedule. The schedule, together with instructions for records custodians, can be found on the website of the Office of Open Records Counsel. Charges established under separate legal authority are not governed by the schedule, and are not to be added to or combined with charges authorized under the schedule. Questions

regarding the schedule should be directed to the Office of Open Records Counsel.

Records with Commercial Value

Reference Number: CTAS-1159

The legislature has recognized that in certain circumstances, a governmental agency may expend a great deal of money developing a record with great commercial value. That record in turn may then be requested by a company who only has to pay a small fee for a reproduction of the information which may be used to generate significant amounts of revenue. Therefore, the legislature in 2000 amended T.C.A. § 10-7-506 to add provisions that protect the investment of government resources specifically in computer generated maps or geographic information systems. These systems are expensive to develop and have numerous profitable commercial applications once the data is developed. Private entities could acquire a copy of the data and regular updates for practically no cost then profit greatly by selling subscriptions to the data. For this reason, the legislature allowed governments to also recover a portion of the actual development and maintenance costs when providing copies of computerized mapping systems or data to persons other than the news media or individuals for non-business use. While this general statute is limited to electronic geographic records, an additional statute applicable only to court clerks offices in Knox and Shelby counties allows those officials to charge a fee not to exceed \$5 for computer searches for any public record having a commercial value.^[1]

^[1] T.C.A. § 8-21-408.

Special Issues in Providing Access to Court Records

Reference Number: CTAS-1160

Court records can be a little different from most of the records in other county offices in that they are created by parties of the case who need access to the records on an on-going basis during litigation. The evidence and discovery materials in the cases are not created by the clerk, but merely held for use by the parties. For this reason, though case files are technically public records, special provisions may apply. The United States Supreme Court has stated that “every court has supervisory power over its own records and files.”^[1] In Tennessee, the Court of Criminal Appeals has similarly ruled that “a trial court has the inherent authority to determine the custody and control of evidence held in the clerk’s office.”^[2] These case files, while in the court clerk’s office, will usually be open to the public.^[3] This public right of access is rooted in the First Amendment and in the common law, but is a qualified right.^[4] Since this right is qualified and not absolute, it is subject to the court’s discretion on a particular matter.^[5] Therefore, unless there is a statute making a record confidential or a clear court directive sealing records or prohibiting public access to the records, the public may access case files. If the court seals a record, it becomes confidential and free from public scrutiny.^[6] This power is not unlimited. The records may only be sealed when “interests of privacy outweigh the public’s right to know.”^[7] If parties to litigation approach a clerk with concerns about public access to materials included in case files, the clerk should direct the parties to petition the judge to order such records sealed from public access. Additionally, as parties to litigation may need extended access to and use of case records, courts may also adopt rules to authorize that pleadings and exhibits may be withdrawn by parties to the case or their legal representatives.^[8]

^[1] *Nixon v. Warner Communications*, 435 U.S. 589, 98 S.Ct. 1306 (1978).

^[2] *Ray v. State*, 984 S.W.2d 236, 238 (Tenn. Crim. App. 1997).

^[3] *Smith v. Securities and Exchange Commission*, 129 F.3d 356, 359 (6th Cir. 1997). See also Op. Tenn. Att’y Gen. No. 02-075 (June 12, 2002).

^[4] *Ballard v. Herzke*, 924 S.W.2d 652, 661-662 (Tenn. 1996).

^[5] *Ray v. State*, at 238.

^[6] *Knoxville News-Sentinel v. Huskey*, 982 S.W.2d 359, 362 (Tenn. Crim. App. 1998)

^[7] *In re Knoxville News-Sentinel*, 723 F.2d 470, at 474 (6th Cir. 1983).

^[8] Op. Tenn. Att’y Gen. No. 02-075 (June 12, 2002).

Expunging Court Records

Reference Number: CTAS-1161

Several statutes in Tennessee law provide for parties to have records of judicial proceedings involving them expunged from the records of the court and certain other offices.

The basic statute for expunction of criminal offense records is found in T.C.A. § 40-32-101. This statute allows individuals to have their records expunged if they are not convicted of any crime. The statute also allows for expungements of charged offenses if the individual was not convicted of the charged offense, even if they are convicted of another offense, so long as the only offense the individual was convicted of was a traffic offense. Additionally, subsection (j) allows an individual to apply for expungement of records from electronic databases relating to the person's arrest, indictment, charging instrument, or disposition for any charges other than the offense for which the person was convicted. Finally, subsection (g) allows for the expungement of certain less serious convictions under certain circumstances if the individual pays the required statutory fees.

The law provides that the record to be expunged "does not include arrest histories, investigative reports, intelligence information of law enforcement agencies, or files of district attorneys general that are maintained as confidential records for law enforcement purposes and are not open for inspection by members of the public and shall also not include records of the department of children's services or department of human services that are confidential under state or federal law and that are required to be maintained by state or federal law for audit or other purposes." Court cases have also determined that physical evidence is not addressed by the expungement statutes; and therefore, cannot be expunged. *State v. Powell*, 1999 WL 512072 (Tenn. Ct. App. July 21, 1999, permission to appeal denied January 24, 2000).

In cases of judicial diversion, there is separate statutory authority for expunging records. T.C.A. § 40-35-313. In those circumstances, a person who had charges dismissed through judicial diversion may apply to the court to expunge all official records other than certain non-public records that are kept solely to determine whether the person is eligible for diversion in the future. The application for expungement shall contain a notation by the clerk evidencing that all court costs are paid in full, prior to the entry of an order of expungement. If the court determines, after hearing, that the charges against such person were dismissed and the proceedings discharged, it shall enter such order. The effect of such order is to restore the person, in the contemplation of the law, to the status the person occupied before such arrest or indictment or information.

Other statutes authorize expunction in cases that were dismissed through pre-trial diversion under a memoranda of understanding, T.C.A. § 40-15-105, or in cases where the governor declares the defendant exonerated. T.C.A. § 40-27-109.

In cases where the criminal record is expunged, certain information must be reported to the Tennessee Bureau of Investigation (TBI) to be maintained in its expunged criminal offender and pretrial diversion database. T.C.A. § 38-6-118.

In addition to courts with criminal jurisdiction, the primary statute on expunging criminal offenses explicitly states that it applies to juvenile courts. T.C.A. § 40-32-101(a)(4). Additionally, Juveniles who have their driving record suspended can apply to have that record expunged once they reach 18 years of age and have their license reinstated. T.C.A. § 55-10-711.

Outside of the criminal setting, parties to any divorce proceeding, who have reconciled and dismissed their cause of action, may file an agreed sworn petition signed by both parties and notarized, requesting expungement of their divorce records. T.C.A. § 36-4-127. Upon the filing of such petition, the judge shall issue an order directing the clerk to expunge all records pertaining to such divorce proceedings, once all court costs have been paid. The clerk shall receive a fee of \$50 for performing such clerk's duties under this section.

Other less commonly used statutory provisions allow for the expunction of affidavits of heirship from the register of deeds office, T.C.A. § 30-2-712, and records of proceedings related to the appointment of a fiduciary where none was appointed. T.C.A. § 34-1-124. Also, records of military discharge may be expunged by registers of deeds from their records upon application by proper parties T.C.A. § 10-7-513.

Providing Access to Records in Non-Paper Formats

Reference Number: CTAS-1162

The records of governmental offices are no longer only paper documents or bound books. Records may now be found in a diverse mixture of media. If your office stores records in various formats, such as

audiotape or videotape, you may need to make sure some means of accessing the record is readily available to the public. Since the definition of a public record includes records of many formats (including various audio and video records and electronic files), the attorney general has opined that it may violate the Public Records Act if the custodian of the records stored in these other formats could not provide a means for the public to inspect these records.^[1] This may require you to have a VCR and television or tape player available for use in your office or somewhere in the courthouse. Separate statutes specifically related to electronic records and microfilm records also require that equipment be available to allow viewing of records stored in these other media.^[2] These mandates may be of particular concern to an archives facility which may store records of many different formats in one location. Allowing continued access to these records may prove difficult for both the office that created the records and the archives. For additional information, see [Electronic Records](#).

[1] Op. Tenn. Att’y Gen. No. 01-021 (February 8, 2001).

[2] T.C.A. §§ 10-7-121 and 10-7-406.

Providing Access to Electronic or Computerized Records

Reference Number: CTAS-1163

The advent of computers in government record keeping has created legal issues regarding not only the question of “what is a public record?” but also “what is the record itself.” If the assessment rolls in the assessor of property’s office are stored in computers, is the record only a standard report of that information or is it the raw data itself? If the public requests that the data be organized and produced in a format other than standard reports generated routinely by the office, is it entitled to that information in a format of its own choosing?

This is an area of the law that is developing along with the technology that clouds the issue. While the law was amended in 2017 to mandate acceptance of records request by electronic means under certain circumstances the law is less developed relative to methods of delivering requested records and what electronic data must be provided.

Relative to delivery, the Office of Open Records Counsel (OORC) has stated that when records are maintained electronically, records custodians should produce requested records electronically. The OORC has also stated that records should be produced electronically, when feasible, as a means of utilizing the most economical and efficient method of producing records.

Relative to what electronic data must be provided, under T.C.A. § 10-7-503 a county is not required “to sort through files to compile information or to create or recreate a record that does not exist” and “request for inspection or copying of a public record shall be sufficiently detailed to enable the governmental entity to identify the specific records for inspection and copying.” However, the line between simply providing recorded data stored electronically and creating a new record or compiling information can often become blurry based on the request and the county’s existing technology resources.

This is an area of the law that will undoubtedly evolve in the coming years as counties and citizens both become increasable intertwined with technology.

Remote Access to Computerized Records

Reference Number: CTAS-1164

Another development that has arisen with the advent of electronic records and the development of the Internet is the ability of citizens to access information remotely. County offices are authorized under Tennessee law to provide computer access and remote electronic access (for inquiry only) to information contained in the records of the office which are stored on computer.^[1] Access may be provided both during and after regular business hours. The official who has custody of the records may charge persons using remote electronic access a reasonable amount to recover the costs of providing such services and no other services. The fee must be uniformly applied and must be limited to the actual costs of providing access. It can not include the cost of storage and maintenance of the records or the costs of the electronic record storage system.^[2] Any officials providing remote access to their computer records must implement procedures and utilize a system that does not allow records of the office to be altered, deleted or impaired in any manner. Any official choosing to provide this service must file a statement with the office of the Comptroller of the Treasury at least 30 days prior to implementing the system. The statement must describe the computer equipment, software and procedures that are used to provide access and to maintain security and preservation of the computer records. The state of Tennessee will not bear any of

the costs of providing access.^[3] Once a system for providing access is in place, any member of the public willing to pay the fees must be allowed to have access to the records, including anyone desiring to use the information for proprietary purposes.^[4] Similar provisions specific to electronic files of voter registration systems can be found elsewhere in the code.^[5]

An attorney general's opinion examined the question of whether a county official could provide remote access to public records through a private vendor.^[6] In the circumstances described in the opinion, a vendor was allowed to upload a copy of the data stored on the computers in the office of the register of deeds in exchange for certain services provided by the vendor. The vendor then had the right to provide public access to the data via a subscription service. The attorney general opined that this agreement violated T.C.A. § 10-7-123. Specifically, subsection (a)(4) of that statute provides that once a remote access system is in place, access must be given uniformly to all members of the public who desire access so long as they pay the reasonable fees to the county official to cover the cost of actually providing the service. In this case, remote access was being provided by the county official only to one entity, the vendor, and denied to the rest of the public. The law does not prohibit a private vendor from selling subscriptions to the information which has been acquired from county offices.^[7] But it does require the county official to provide equal access to the data to anyone willing to pay the access fee.

The attorney general has also been asked whether there was a problem with the criminal court clerk's office making records, including information about arrests, charges and disposition of cases, available on the Internet. The attorney general opined that the clerk could make such records available in that fashion, so long as the clerk still complied with orders to expunge records and insured they were removed from the Internet as well as the files of the clerk's office once an order compelling expungement was issued by the judge.^[8] This standard applied whether a case led to a conviction or was disposed of through judicial diversion.^[9]

[1] T.C.A. § 10-7-123.

[2] T.C.A. § 10-7-123.

[3] T.C.A. § 10-7-123(a)(1).

[4] T.C.A. § 10-7-123(a)(4).

[5] T.C.A. § 2-2-138.

[6] Op. Tenn. Att'y Gen. No. 04-114 (July 19, 2004).

[7] Op. Tenn. Att'y Gen. No. 04-114.

[8] Op. Tenn. Att'y Gen. No. 00-058 (March 31, 2000).

[9] Op. Tenn. Att'y Gen. No. 00-014 (January 26, 2000).

Denial of Access to Public Records—Liability

Reference Number: CTAS-1165

Any citizen of Tennessee who is denied the right to personal inspection of a public record in whole, or in part, is entitled to petition the court to review the actions that were taken to deny access and to grant access to the record.^[1] Petitions may be filed in the chancery court for the county where the records are located or in any other court exercising equity jurisdiction in the county.^[2] Upon the filing of the petition, the court shall, at the request of the petitioning party, issue an order requiring the defendant to appear and show cause why the petitioner should not be granted access to the record. No formal written response to the petition is required. The burden of proof rests on the person having custody of the records to show why public access should not be allowed.^[3] If the court determines that the petitioner has a right to inspect the records, they shall be made available unless the defendant timely files for appeal or the court certifies a question with respect to disclosure of the records to an appellate court.^[4] If a public official is required to disclose records pursuant to these procedures, he or she can not be held civilly or criminally liable for any damages caused by the release of the information.^[5] If, however, the court determines that the government entity knowingly and willfully refused to disclose a public record, it may, in the discretion of the judge, assess all reasonable costs involved in obtaining the record, including attorney's fees, against the governmental entity.^[6]

- [1] T.C.A. § 10-7-505(a).
- [2] T.C.A. § 10-7-505(b).
- [3] T.C.A. § 10-7-505(c).
- [4] T.C.A. § 10-7-505(e).
- [5] T.C.A. § 10-7-505(f).
- [6] T.C.A. § 10-7-505(g).

To What Records Is the Public Entitled Access?

Reference Number: CTAS-1166

It has already been noted that the legislature intended the fullest possible public access to public records. But what are public records? Generally speaking, the courts have ruled that “[i]n those instances where documents have been made or received in connection with the transaction of official business by any governmental agency, then a presumption of openness exists, and the documents are public records within the meaning of T.C.A. § 10-7-503.”^[1] Access is not limited by the format in which the record or information is kept. However, the presumption of openness is overcome whenever state law provides that a record shall be kept confidential.

^[1] *Griffin v. City of Knoxville*, 821 S.W.2d 921, 924 (Tenn. 1991) as quoted in Op. Tenn. Att’y Gen. No. 99-011 (January 25, 1999).

Confidential Records

Reference Number: CTAS-1167

A lengthy statute in the Tennessee Public Records Act provides a laundry list of government records that must be kept confidential.^[1] This statute is amended and added to on a regular basis by the General Assembly. The following list highlights a few of the many records designated as confidential by T.C.A. § 10-7-504 (see statute for complete list):

- Medical records of patients in state, county, and municipal hospitals and medical facilities;
- Any records concerning the source of body parts for transplantation or any information concerning persons donating body parts;
- All investigative records of the TBI, the office of the TennCare inspector general, all criminal investigative files of the motor vehicle enforcement division of the department of safety relating to stolen vehicles or parts, all files of the drivers’ license issuance division and the handgun carry permit division of the department of safety relating to bogus drivers’ licenses and handgun carry permits issued to undercover law enforcement agents;
- Records of students in public educational institutions (for more discussion of these records, see [Student Records](#));
- Certain books, records, and other materials in the possession of the office of the attorney general relating to any pending or contemplated legal or administrative proceeding;
- State agency records containing opinions of value or real and personal property intended to be acquired for a public purpose;
- Certain personal information of law enforcement officers^[2];
- Investigative records and reports of the internal affairs division of the department of correction or the department of children’s services;
- Official health certificates, collected and maintained by the state veterinarian;
- The capital plans, marketing information, proprietary information, and trade secrets submitted to the Tennessee venture capital network;
- Records of historical research value which are given or sold to public archival institutions, public libraries, or libraries of a unit of the board of regents or the University of Tennessee, when the owner or donor wishes to require that the records are kept confidential;
- Personal information contained in motor vehicle records;
- All memoranda, work notes or products, case files, and communications related to mental health intervention techniques conducted by professionals in a group setting to provide job-related critical

- incident counseling and therapy to law enforcement officers, EMTs, paramedics, and firefighters;
- All riot, escape, and emergency transport plans incorporated in a policy and procedures manual of county jails and workhouses or prisons operated by the department of correction or under private contract;
- In order of protection cases, any documents required for filing other than certain forms promulgated by the Tennessee Supreme Court;
- Computer software and manuals sold to state agencies or counties;
- **Credit card numbers and related identification numbers** or authorization codes;
- Credit card numbers, social security numbers, tax ID numbers, financial institution account numbers, burglar alarm codes, security codes, and access codes of any utility;
- Records that would allow a person to identify areas of structural or operational vulnerability of a utility service provider or that would permit disruption or interference with service;
- Contingency plans of governmental entities for response to violent incidents, bomb threats, ongoing acts of violence, threats related to weapons of mass destruction, or terrorist incidents;
- Records of any employee's identity, diagnosis, treatment, or referral for treatment by a state or local government employee assistance program;
- Unpublished telephone numbers in the possession of emergency communications districts;
- Personally identifying information ((i) Social security numbers; (ii) Official state or government issued driver licenses or identification numbers; (iii) Alien registration numbers or passport numbers; (iv) Employer or taxpayer identification numbers; (v) Unique biometric data, such as fingerprints, voice prints, retina or iris images, or other unique physical representations; or (vi) Unique electronic identification numbers, addresses, routing codes or other personal identifying data which enables an individual to obtain merchandise or service or to otherwise financially encumber the legitimate possessor of the identifying data;
- Records identifying a person as being directly involved in the process of executing a sentence of death; and
- Information that would allow a person to obtain unauthorized access to confidential information or to government property. ^[3]

For county governments, one important class of confidential records involves personal information of state, county, municipal, and other public employees. An employee's home telephone and personal cell phone numbers, bank account information, health savings account information, retirement account information, pension account information, Social Security number, residential address, driver's license information (except where driving is a part of the employee's job), emergency contact information, and personal, non-government issued, email address are confidential. Additionally, applicants for county employment and former employees are also protected by these confidentiality provisions (as are immediate family members, whether or not the immediate family member resides with the employee, or household members of the employee). Where this confidential information is part of a file or document that would otherwise be public information, such information shall be redacted if possible so that the public may still have access to the nonconfidential portion of the file or document. T.C.A. § 10-7-504(f).

Proposals and statements of qualifications received by a local government entity in response to a personal service, professional service, or consultant service request for proposals or request for qualifications solicitation, and related records, including, but not limited to, evaluations, names of evaluation committee members, and all related memoranda or notes, are declared to be confidential, but only until the intent to award the contract to a particular respondent is announced. T.C.A. § 10-7-504(a).

This list of confidential records found in T.C.A. § 10-7-504 is not exclusive, however, and other statutes, rules, and the common law dealing with a subject matter can also make a specific record confidential.^[4] While the following list is not exhaustive, these statutes are other legal sources that designate certain records that may be in the possession of a county office as confidential:

- All memoranda, work products or notes and case files of victim-offender mediation centers (T.C.A. § 16-20-103);
- Adoption records and related records (T.C.A. §§ 36-1-102 and following);
- Many records regarding juveniles (see T.C.A. §§ 37-1-153, 37-1-154, 37-1-155, 37-1-409, 37-1-612, 37-1-615 and 37-2-408);
- Certain records regarding the granting of consent to abortion for a minor and other records regarding abortion (T.C.A. §§ 37-10-304, 39-15-201);

- Pursuant to T.C.A. § 38-7-110, all or a portion of a county medical examiner's report, toxicological report or autopsy maybe declared confidential upon petition by the district attorney on the grounds that release of such record could impair the investigation of a homicide or felony. Additionally, 2005 Public Chapter 216 made it a criminal offense for certain audio and video materials related to an autopsy to be release to an unauthorized person.
- Certain student information;
- Whistleblowing reports of violations the Education Trust in Reporting Act (T.C.A. §§ 49-50-1408);
- Certain records of an employer's drug testing program (T.C.A. § 50-9-109);
- Accident reports (T.C.A. § 55-10-114 (along with 10-7-504));
- Tax returns and tax information (T.C.A. § 67-1-1702);
- Business tax statements, reports, and returns as well as some information on business license applications^[5](T.C.A. § 67-4-722);
- Information or records held by a local health department regarding sexually transmitted diseases (T.C.A. § 68-10-113);
- Patient medical records of hospitals and local or regional health departments (T.C.A. § 68-11-305); and
- Nursing home patient records (T.C.A. § 68-11-804).

Please note that this list only highlights some of the other provisions of the Tennessee Code that make records confidential. Additionally, the Tennessee Supreme Court has ruled that sources of legal authority other than statutes may make a record confidential. For example, the Tennessee Supreme Court has ruled that the Tennessee Rules of Criminal Procedure and Civil Procedure may also designate certain records as confidential.^[6] Other records may be sealed by a court order or made confidential by a federal statute or regulation. If you have a question regarding the confidentiality of a specific record not listed above, contact your county attorney or CTAS county government consultant for assistance.

[1] T.C.A. § 10-7-504.

[2] T.C.A. § 10-7-503(c) also addresses the subject.

[3] T.C.A. § 10-7-504.

[4] Op. Tenn. Att'y Gen. No. 99-022 (February 9, 1999).

[5] See Op. Tenn. Att'y Gen. No. 01-165 (September 15, 2001) for a discussion of the confidentiality of phone numbers and other identifying numbers used in the enforcement of the business tax.

[6] See. *Appman v. Worthington*, 746 S.W.2d 165, 166 (Tenn. 1987) and *Ballard v. Herzke*, 924 S.W.2d 652, 662 (Tenn. 1996).

Maintenance of Confidentiality

Reference Number: CTAS-1168

Any record that is designated as confidential must be treated as confidential by the agency with custody of the record throughout the maintenance, storage, and disposition of the record. This includes destroying the record (if it is eligible for destruction) in such a manner that the record cannot be read, interpreted, or reconstructed^[1]. However, once a confidential record has been in existence more than 70 years, it shall be open for public inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law or unless the record is a record of services for mental illness or retardation.^[2] This "70-year rule" also does not apply to adoption records, records maintained by the office of vital records, and records of the TBI that are confidential.^[3]

[1] T.C.A. § 10-7-504(b). See also Op. Tenn. Att'y Gen. 01-040 (March 19, 2001).

[2] T.C.A. § 10-7-504(c).

[3] T.C.A. § 10-7-504(c).

Special Considerations and Specific Types of Confidential Records

Reference Number: CTAS-1169

Personally Identifying Information

Reference Number: CTAS-1170

In 2016 the General Assembly amended T.C.A. § 10-7-504 to provide that no governmental entity shall publicly disclose *personally identifying information* of any citizen of the state unless: (i) Permission is given by the citizen; (ii) Distribution is authorized under state or federal law; or (iii) Distribution is made: (a) To a consumer reporting agency as defined by the federal Fair Credit Reporting Act (15 U.S.C. §§ 1681 et seq.); (b) To a financial institution subject to the privacy provisions of the federal Gramm Leach Bliley Act (15 U.S.C. § 6802); or (c) To a financial institution subject to the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001 (31 U.S.C. §§ 5311 et seq.).

The law defines "personally identifying information" to include: (i) Social security numbers; (ii) Official state or government issued driver licenses or identification numbers; (iii) Alien registration numbers or passport numbers; (iv) Employer or taxpayer identification numbers; (v) Unique biometric data, such as fingerprints, voice prints, retina or iris images, or other unique physical representations; or (vi) Unique electronic identification numbers, routing codes or other personal identifying data which enables an individual to obtain merchandise or service or to otherwise financially encumber the legitimate possessor of the identifying data.

The law provides that it does not prohibit the use of personally identifying information by a governmental entity in the performance of its functions or the disclosure of personally identifying information to another governmental entity, or an agency of the federal government, or a private person or entity that has been authorized to perform certain duties as a contractor of the governmental entity.

The name, mailing address, physical address, phone number, email address, social security number, or any other personally identifying information provided by an individual, whether or not the individual is a citizen of this state, as part of the individual's use of, or participation in, a government-sponsored or -supported property alert service or program, is not a public record and is not open for public inspection. "Property alert service or program" refers to an online service that electronically alerts participants when a document is filed and indexed in the register of deed's office that references the participant's name or address.

Motor Vehicle Registration Records

Reference Number: CTAS-1171

Access to motor vehicle registration records held by the Department of Safety, the Department of Revenue, or in the office of the county clerk when acting as an agent of those departments is restricted by both state and federal law. The federal Drivers Privacy Protection Act places restrictions on access to these records.^[1] In addition, in 1996, our state legislature adopted the Uniform Motor Vehicle Records

Disclosure Act that closely parallels the language of the federal act.^[2] Under the provisions of these laws, personal information obtained by those government offices in connection with a motor vehicle record can not be disclosed except for specific purposes to certain authorized individuals or with the consent of the driver.^[3]

Personal information is defined to include information that identifies a person, including an individual's photograph, computerized image, social security number, driver identification number, name, address, telephone number, and medical or disability information.^[4] Use of the information is generally

allowed for governmental agencies in carrying out their functions.^[5] Additionally, the statutes include about a dozen other authorized uses whereby certain private parties have rights to access the records for those specified purposes.^[6]

If a county clerk is presented with a request for personal information from motor vehicle records from a private citizen or a company, he or she should compare the request to the restrictions and authorizations found in T.C.A. §§ 55-25-103 through 55-25-112 and 18 U.S.C. § 2721 through 18 U.S.C. § 2725 to determine whether the release of such information is lawful. The Tennessee Department of Safety, Division of Title and Registration may be able to provide county clerks with further guidance regarding these records if necessary.

- [1] 18 U.S.C. § 2721 through § 2725.
- [2] T.C.A. §§ 55-25-101, *et seq.*
- [3] T.C.A. §§ 55-25-104 through 55-25-107 and 18 U.S.C.A. § 2721.
- [4] T.C.A. § 55-25-103(6).
- [5] 18 U.S.C. § 2721(b)(1) and T.C.A. § 55-25-107.
- [6] 18 U.S.C. § 2721 and T.C.A. § 55-25-105 through 107.

Vital Records

Reference Number: CTAS-1172

To protect the integrity of vital records and to insure their proper use and the proper administration of those records, the General Assembly made it unlawful for a custodian of these records to permit inspection of, or to disclose information contained in vital records, or to copy or issue a copy of all or part of any such records except in strict accordance with procedures found in the law or in accordance with a court order.^[1] But the law goes on to state that an application for a marriage license and the authenticating documentation for the events of birth, death, marriage, divorce or annulment of a marriage, in the possession of a county clerk, court clerk, state registrar, or other authorized custodian are public records and that verified information from such documents may be provided upon request. However, the information contained in the "Information for Medical and Health Use Only" section of a birth certificate and the "Confidential Information" section of marriage, divorce, or annulment certificates remains confidential.^[2]

[1] T.C.A. § 68-3-205.

[2] T.C.A. § 68-3-205(d).

Law Enforcement Personnel Records

Reference Number: CTAS-1173

A couple of specific statutory provisions provide extra protection to personnel records of law enforcement personnel. Under T.C.A. § 10-7-503(c), there are requirements that when personnel records of law enforcement officers are inspected, the custodian of the records must make a record of the inspection and inform the officer. The person wishing to inspect the records must provide his or her name, address, business telephone number, home telephone number, driver license number, or other appropriate identification prior to receiving access to the records. Within three days after the inspection, the officer whose files have been examined should be informed that the inspection has taken place; the name, address, and telephone number of the person making the inspection; for whom the inspection was made; and the date of the inspection.^[1]

In addition, T.C.A. § 10-7-504(g) provides that the personnel information of law enforcement personnel shall be redacted where there is a reason not to disclose the information as determined by the sheriff or the sheriff's designee. When a request to inspect includes personal information and the request is for a professional, business, or official purpose, the sheriff or custodian shall consider the specific circumstances to determine whether there is a reason not to disclose and shall release all information, except information made confidential in T.C.A. § 10-7-504(f), if there is not such a reason. In all other circumstances, the officer shall be notified prior to disclosure of the personal information and shall be given a reasonable opportunity to be heard and oppose the release of the information. In addition to the requirements of T.C.A. § 10-7-503(c), the request for a professional, business, or official purpose shall include the person's business address, business telephone number and email address. The request may be made on official or business letterhead and the person making the request shall provide the name and contact number or email address for a supervisor for verification purposes. If the sheriff, the sheriff's designee, or the custodian of the information decides to withhold personal information, a specific reason shall be given to the requestor in writing within two (2) business days, and the file shall be released with the personal information redacted. For purposes of T.C.A. § 10-7-504(g), personal information shall include the officer's residential address, home and personal cellular telephone number; place of employment; name, work address and telephone numbers of the officer's immediate family; name, location, and telephone number of any educational institution or daycare provider where the officer's spouse or child is enrolled.

In addition to the provisions relative to the office's residential address in T.C.A. § 10-7-504(g), subsection

(f) of the same statute provides that the residential address of a law enforcement officer held by the county in its capacity as an employer shall be confidential and any person who releases the information commits a Class B misdemeanor if the person acts with criminal negligence, or a Class A misdemeanor if the person knows the information is to be treated as confidential and intentionally releases the information to the public.

Finally, T.C.A. § 10-7-504(g) also provides that the sheriff may segregate information that could be used to identify or to locate an officer designated as working undercover.^[2]

^[1] T.C.A. § 10-7-503(c).

^[2] T.C.A. § 10-7-504(g).

Computerized Data Breaches

Reference Number: CTAS-2204

Under T.C.A. § 47-18-2901 counties must create safeguards to ensure the security of personal information on laptop computers and other removable storage devices. Failure to comply with this requirement creates a cause of action against the county if identity theft results. Also, T.C.A. § 47-18-2107 requires any holder of computerized personal information that is confidential to disclose any breach of the security of the system to any resident of Tennessee whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

Domestic Violence Prevention and Protection Documents

Reference Number: CTAS-1174

In addition to the large group of records made strictly confidential by state laws, there is another class of records that *may* be made confidential by a 1999 law. Chapter 344 of the public acts of 1999 amends T.C.A. § 10-7-504 to allow persons who have obtained a “valid protection document” to request certain information that could be used to locate them be kept confidential. Protection documents are defined by the act and include such things as orders of protection and affidavits of directors of a rape crisis center or domestic violence shelter. If the individual desiring confidentiality presents one of these documents to the records custodian for the governmental entity and requests confidentiality, the custodian of the records may choose to comply with the request or reject it. If the request is rejected, the custodian must state the reason for denying the request. If the request is granted, the records custodian must place a copy of the protection document in a separate confidential file with any other similar requests, indexed alphabetically by the names of the persons requesting confidentiality. From that point on until the custodian is notified otherwise, any time someone requests to see records of the office, the records custodian must consult the file and ensure that any identifying information about anyone covered by a protection document filed with the office is kept confidential before allowing any record to be open for public inspection. “Identifying information” includes any record of the home and work addresses, telephone numbers, social security number and “any other information” regarding the person that could reasonably be used to locate an individual. That information must be redacted from the records of the office before anyone can be allowed to inspect the records of the office. Since it is difficult to ascertain what information could possibly be used to locate an individual, you are strongly cautioned against complying with such requests. Unless you are certain your office can redact all identifying information regarding an individual from all files of your office you should probably reject such requests for confidentiality, citing the administrative difficulty in redacting the records. It is not mandatory for your office to comply with these requests. However, if you do comply and then fail to protect all such information, you may create liability for your office.

County Hospital and Health Department Records and Ambulance Records

Reference Number: CTAS-1175

Special rules apply to medical records. They are governed primarily by T.C.A. §§ 68-11-301 and following. The definition of hospital used in those provisions is broad enough to include county health departments.^[1] Certain hospital records are not public records.^[2] Generally, the law requires that a hospital or health department is required to retain and preserve records which relate directly to the care and treatment of a patient for 10 years following the discharge of the patient or such patient’s death during the period of treatment within the hospital.^[3] Mental health records are treated differently.

Hospitals and health departments are given the option of retaining records for a longer period of time if they wish.^[4] Records held by a local health department related to sexually transmitted diseases are strictly confidential.^[5]

Records of ambulance services are similar in some respects to hospital records. There are a handful of statutes and regulations that specifically mandate the creation and retention of certain records related to the operation of ambulance services.^[6] The information in run records that relates to the medical condition and treatment of the patient is specifically declared confidential.^[7] Although the statutes and regulations do not establish retention period for all ambulance records, it is recommended that ambulance services should follow the general standard of a 10-year retention period for records that are medical in nature. Additionally, the rules of the Emergency Medical Services Division specifically require that ambulance dispatch logs should be retain for at least 10 years.^[8]

[1] T.C.A. § 68-11-302.

[2] T.C.A. § 68-11-304.

[3] T.C.A. § 68-11-305.

[4] T.C.A. § 68-11-307.

[5] T.C.A. § 68-10-113.

[6] See T.C.A. §§ 68-140-301, *et seq.*, especially § 68-140-319 and the official Rules of the Tennessee Department of Health, Bureau of Manpower and Facilities, Emergency Medical Services Division, Rules 1200-12-1-.05, 1200-12-1-.09 and 1200-12-1-.15.

[7] T.C.A. § 68-140-319.

[8] Rules of the Emergency Medical Services Division, Rules 1200-12-1-.15.

HIPAA

Reference Number: CTAS-1176

The Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191, is a federal law that instituted dramatic reforms regarding the use of information in the health care and insurance industry. It created a great deal of apprehension among many private and public entities that were uncertain about whether the act impacted them as well. The Act required the Secretary of Health and Human Services to issue privacy regulations governing individual health care information. The privacy provisions of HIPAA are found in the ironically named "administrative simplification" provisions of the act. The goal of the privacy rule is to safeguard protected health information (PHI) while allowing the free flow of health care information in the world of electronic commerce and transactions.^[1] Protected health information includes all individually identifiable health information held by a covered entity or its business associate in any form or media.^[2] In other words, it is made up of health and medical records that identify the individual to whom the record relates. The privacy rules apply to three types of entities: health plans, health care providers, and health care clearinghouses.^[3] The easiest category to consider from the local government standpoint is the health care clearinghouse. This category deals with entities that process and re-format information being transmitted between entities. Counties will not fall under this category.

Health plans are individual and group health care plans that provide or pay the cost of medical care.^[4] If your county provides health insurance for its employees through private insurance, the insurance carrier would be the health plan. If your county is self-insured, it is likely that in administering the self-insured health care plan, the county will have to comply with the privacy rules and may be covered by HIPAA. If you have a third party administrator, that entity may be handling most compliance issues for the county, but you should still evaluate your requirements under HIPAA. Technically your third party administrator is merely a "business associate" under the terms of HIPAA who falls under provisions of the law due to its relationship with the county's health plan. Responsibility for compliance ultimately lies with the plan itself and not with its business associates.

Health care providers are also be covered by HIPAA if the provider electronically transmits health information in connection with certain types of transactions.^[5] These include claims, benefit eligibility inquiries, referral authorization requests, or certain other transactions listed under the HIPAA Transactions Rule.^[6] For example, the fact that your county may employ a nurse or doctor for the jail may make the county a health care provider; however, the county will only be a *covered* health care provider under

HIPAA if those employees are electronically transmitting health information in conjunction with one of the listed transactions. If your sheriff does not employ personnel to provide medical services to the jail but merely contracts with another entity to provide the service, then the sheriff's office would not be a covered entity.

Even if it appears that some aspects of county government may be considered covered functions under certain circumstances, it is possible for the county to declare itself a hybrid entity. Under the HIPAA regulations, a hybrid entity is a single legal entity that is covered, but whose covered functions are not its primary functions.^[7] By being declared a hybrid entity, the county limits the application of the HIPAA requirements to only those county operations that are acting as a health care provider. For instance, a county operated ambulance service or hospital would need to comply with HIPAA as a health care provider if it transmits PHI electronically, but the register of deeds and county clerk's offices, and other non-health care operations would not be covered.

Covered entities are required to provide notices and disclosures to individuals who have PHI held by the entity. If you have been to a doctor's office in the last couple of years, you have probably seen these standard forms. Offices that are covered by HIPAA are also required to adopt privacy policies and procedures that are consistent with the privacy rule, must designate a privacy official responsible for implementing these policies, must conduct workforce training and management, must mitigate any harmful disclosures of PHI, must maintain reasonable appropriate safeguards to protect against improper disclosure of PHI, must have procedures for receiving complaints about privacy issues, and must meet certain documentation and record keeping standards.^[8]

The HIPAA rules and regulations are extremely complex and filled with exceptions, limitations, and modifications for various entities and transactions and will only apply to limited operations of local governments if at all. If you think your office or your county may be covered by HIPAA, you should discuss the requirements of the law with your county attorney and with any third party administrators or other health care consultants with which your county may contract. For more information about the law and associated rules, see the [Web site for the HHS, Health Information Privacy](#). A recent opinion of the Tennessee attorney general also gives instructions with regard to the release of health information under HIPAA for law enforcement purposes.^[9]

[1] Department of Health and Human Services, Office for Civil Rights HIPAA Privacy Rule Summary

[2] 45 C.F.R. § 164.501.

[3] 45 C.F.R. § 160.102.

[4] 45 C.F.R. §§ 160.102 and 160.103.

[5] 45 C.F.R. § 160.102.

[6] 45 C.F.R. Part 162.

[7] 45 C.F.R. § 164.504.

[8] 45 C.F.R. § 164.530.

[9] Op. Tenn. Att'y Gen. 04-153 (October 7, 2004).

Credit Card Numbers and Credit Reports

Reference Number: CTAS-1177

As county governments have begun allowing citizens to use credit cards for payment of taxes and fees, government records keepers encounter some new regulations and challenges in managing records that contain information related to those credit accounts. Credit card numbers of persons using an account to make payments to the government are confidential under T.C.A. § 10-7-504(a)(19). Additionally, there are notification requirements that apply when a breach of security has allowed improper access to electronic account information or other personal information that could be used for identity theft purposes.

Finally, local governments that use credit reports as a part of background checks must comply with the Fair Credit Reporting Act (FCRA) as amended by the Fair and Accurate Credit Transactions Act (FACTA) and related rules and regulations of the Federal Trade Commission^[1]. The FCRA requires employers that use private agencies to perform background checks (whether related to credit history, criminal background or driving record checks) on job applicants to comply with notice, consent, and disclosure requirements related to such checks and reports. FACTA added the requirement that entities possessing

consumer information related to these reports must properly dispose of such information in a manner that preserves confidentiality and requires those possessing such information to take reasonable measures to ensure against unauthorized access or use of the information. Therefore, if your county uses private reporting agencies for background checks during the employment process or for other purposes, make sure anyone in your county possessing this information properly protects this sensitive consumer information.

[1] Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*, as amended by the Fair and Accurate Credit Transactions Act of 2003, Pub L. 108-159, 117 Stat. 1952 with related regulations found in 16 CFR Part 682.

Student Records

Reference Number: CTAS-208

Both federal and state laws include special provisions to protect the confidentiality of records of students in Tennessee schools. Tennessee's public records statutes specifically provide for the confidentiality of such records.^[1] But more significant than our state statutes is a complex set of federal law that provides extensive regulations controlling the inspection, amendment, and disclosure of educational records. The primary federal statute addressing student records is the "Family Educational Rights and Privacy Act" (FERPA).^[2] This law outlines who can and cannot access student education records and establishes rights for both parents and students in regard to these records.

[1] T.C.A. § 10-7-504.

[2] 20 U.S.C.A. § 1232g with related regulations found in 34 C.F.R. Part 99.

The Family Educational Rights and Privacy Act

Reference Number: CTAS-1178

The following information relative to FERPA is from the U.S. Department of Education's website at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html> as of 2018. Before relying on this information, local education officials should check with the attorney for their school board to make sure these regulations have not been amended.

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;

- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may use the [Federal Relay Service](#).

Or you may contact us at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

Model Notification of Rights under FERPA for Elementary and Secondary Schools

Reference Number: CTAS-1179

The following information relative to FERPA is from the U.S. Department of Education's website at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/lea-officials.html> as of 2018. Before relying on this information, local education officials should check with the attorney for their school board to make sure these regulations have not been amended.

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school ("School")] receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the [School] to amend their child's or their education record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with

legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

[NOTE: In addition, a school may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.]

[Optional] See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized

representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

Model Notice for Directory Information

Reference Number: CTAS-1180

The following information relative to FERPA is from the U.S. Department of Education's website at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/mndirectoryinfo.html> as of 2018. Before relying on this information, local education officials should check with the attorney for their school board to make sure these regulations have not been amended.

[Note: Per 34 C.F.R. § 99.37(d), a school or school district may adopt a limited directory information policy. If a school or school district does so, the directory information notice to parents and eligible students must specify the parties who may receive directory information and/or the purposes for which directory information may be disclosed.]

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that [**School or School District**], with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, [**School or School District**] may disclose appropriately designated "directory information" without written consent, unless you have advised

the **[School or School District]** to the contrary in accordance with **[School or School District]** procedures. The primary purpose of directory information is to allow the **[School or School District]** to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. **[Note: These laws are Section 9528 of the ESEA (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).]**

If you do not want **[School or School District]** to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify the **[School or School District]** in writing by **[insert date]**. **[School District]** has designated the following information as directory information: **[Note: an LEA may, but does not have to, include all the information listed below.]**

- **Student's name**
- **Address**
- **Telephone listing**
- **Electronic mail address**
- **Photograph**
- **Date and place of birth**
- **Major field of study**
- **Dates of attendance**
- **Grade level**
- **Participation in officially recognized activities and sports**
- **Weight and height of members of athletic teams**
- **Degrees, honors, and awards received**
- **The most recent educational agency or institution attended**
- **Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user**
- **A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.**

Educational Records of Disabled Students

Reference Number: CTAS-1181

Certain students in the care of a local education agency have medical conditions, physical or mental disabilities or other special needs that affect and determine the educational services rendered to the child. With such children, significant amounts of medical records may be included in the educational records of the student. Specific requirements and regulations control the management of these records.

The Tennessee Department of Education offers the following information in regard to these records.

When must a school district destroy a disabled student's records?

This is an important administrative question because student records may contain test results, evaluations, past Individualized Education Program (IEPs), correspondence, due process hearing transcripts, IEP meeting minutes, and teacher-produced anecdotal records, etc.

The governing authority is found at 34 C.F.R. Section 300.573.

300.573 Destruction of information.

(a) The public agency shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child.

(b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Subpart (a) requires schools to notify parents when materials in the student's record are deemed no longer necessary to provide appropriate services. In other words, schools may begin the removal of surplus materials any time that the information is judged to be of no value to the design or implementation of the child's educational program.

Subpart (b) requires that schools destroy such personally identifying but unnecessary records upon the parents' request. In short, when records are declared surplus, they must be destroyed when the child's parents ask that this be done. However, school districts may retain a permanent record of the "student's name address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed..." even if the parents request that the entire student record be destroyed. Best practice would be to retain the above listed information in perpetuity.

34 C.F.R. 300.560 defines destruction as "physical destruction or removal of personal identifiers from the information so that the information is no longer personally identifiable."

Must a school district keep student records for a specific time period?

Schools receiving federal funds are required to keep for three years records necessary to show their compliance with federal and state mandates, (34 C.F.R. Section 76.730, financial records, and Section 76.731, program compliance requirement, Section 80.42, retention and access requirements for records).

Under previous law, (34 C.F.R. Section 76.734 abrogated) the required retention period was five years. This regulation was the basis of several OSEP policy letters contributing to a continued confusion about the required retention period.

How may a school district keep records for three years, as stated above, and still comply with a parent's request to destroy personally identifiable information that is no longer needed to provide educational services to their child?

The school district may remove any reference, which makes the information personally identifiable while still maintaining the records proving compliance with state and federal programs, 34 C.F.R. 300.560.

Tennessee Statutes Affecting Education Records

Reference Number: CTAS-1182

Confidentiality

While the federal act provides a much more comprehensive treatment of the law on student records, Tennessee's public records act also classifies student records as confidential. T.C.A. § 10-7-504(a)(4) reads:

"The records of students in public educational institutions shall be treated as confidential. Information in such records relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing shall not be made available to unauthorized personnel of the institution or to the public or any agency, except those agencies authorized by the educational institution to conduct specific research or otherwise authorized by the governing board of the institution, without the consent of the student involved or the parent or guardian of a minor student attending any institution of elementary or secondary education, except as otherwise provided by law or regulation pursuant thereto and except in consequence of due legal process or in cases when the safety of persons or property is involved. The governing board of the institution, the department of education, and the Tennessee higher education commission shall have access on a confidential basis to such records as are required to

fulfill their lawful functions. Statistical information not identified with a particular student may be released to any person, agency, or the public; and information relating only to an individual student's name, age, address, dates of attendance, grade levels completed, class placement and academic degrees awarded may likewise be disclosed."

Like FERPA, this statute requires parental consent for disclosure of records except for the case of directory information. It allows access in cases where there is a danger to person or property on in accordance with legal process. Because the language in our state statute appears more restrictive than FERPA with regard to academic performance information, most attorneys in Tennessee are advising LEAs to get prior consent before publishing honor rolls or anything else regarding a student's academic performance. This is the one exception to the definition and examples of directory info under FERPA that you may want to keep in mind.

Educational Records as Evidence in Judicial Proceedings

In 2002, the General Assembly passed a comprehensive law entitled the Educational Records as Evidence Act to establish detailed procedures governing the production of subpoenaed student educational records.^[1] The act provides that it is sufficient to comply with a subpoena requesting educational records for the custodian of the records to furnish a true and correct copy of the records within five days of the subpoena in cases where the school is neither a party to the action nor the place where any cause of action is alleged to have arisen.^[2] The act requires that the records be enclosed in a separate sealed inner envelope and addressed to the appropriate court clerk, deposition officer, or party.^[3] The envelope remains sealed until opened at trial or other appropriate time in the presence of all required parties. Prior to the opening of the envelope, the act requires that the judge or presiding individual first determine that either (1) the records have been subpoenaed at the instance of an involved student, parent, or the student or parent's counsel; (2) the involved student or parent has consented and waived confidentiality; or (3) the records have been subpoenaed in a criminal proceeding.^[4] The act requires the custodian of records to submit an affidavit with a copy of the records certifying the authenticity of the records, providing that the records were prepared by the personnel of the school or persons acting under their control and certifying the reasonable charges of the school for furnishing such copies.^[5] The act provides that the furnished copies and the affidavit of the custodian of the records are admissible into evidence as though the original records were produced and the custodian were present to testify.^[6] Multiple affidavits may be filed where more than one person has knowledge of the facts.^[7] The act requires a subpoena to contain a clause stating that a copy of the records and an affidavit are not sufficient if the original school records or the personal attendance of the custodian of records is required.^[8] Where original records are introduced, the act permits the substitution of copies thereof and the return of the original records after their introduction.^[9] Charges for copies and production of the records are allowed as a court cost.^[10]

Non-Custodial Parents

Any parent who does not have custody of a child, or if the parents have joint custody, the parent not residing with the child, may request in writing that a copy of the child's report card, notice of school attendance, names of teachers, class schedules, standardized test scores and any other records customarily available to parents be furnished directly to the non-custodial or non-resident parent.^[11] However, a judge with jurisdiction over the custody of the child may, upon showing of good cause, deny any information concerning the residence of the child to the non-custodial or non-resident parent.^[12]

Record Keeping Duties of the Director of Schools

The director of a local board of education is given specific responsibility under the statutes that spell out his or her duties to keep certain records in specific formats and under certain conditions.^[13] The director is charged with keeping a complete and accurate record of the proceedings of all meetings of the school board and the director's official acts and a detailed and accurate account of all receipts and disbursement of the public school funds in both well bound books and in electronic disks. These records must be kept in a location that is secure from the effects of natural disasters, to include fires, earthquakes, tornadoes and other catastrophic events.^[14] The law also provides that the director must deliver to his or her successor all records and official papers belonging to the position. A failure to do so is a separate Class C misdemeanor for each month during which the director withholds the records.^[15]

[1] 2002 Public Chapter 621 codified as T.C.A. §§ 49-50-1501 *et seq.*

- [2] T.C.A. § 49-50-1503.
- [3] T.C.A. § 49-50-1504.
- [4] T.C.A. § 49-50-1505.
- [5] T.C.A. § 49-50-1506.
- [6] T.C.A. § 49-50-1507.
- [7] T.C.A. § 49-50-1507.
- [8] T.C.A. § 49-50-1508.
- [9] T.C.A. § 49-50-1509.
- [10] T.C.A. § 49-50-1508.
- [11] T.C.A. § 49-6-902.
- [12] T.C.A. § 49-6-902(b).
- [13] T.C.A. § 49-2-301(b)(1)(C) and (D).
- [14] T.C.A. § 49-2-301(b)(2).
- [15] T.C.A. § 49-2-301(b)(1)(Y).

Basic Records Management

Reference Number: CTAS-207

Whether or not you realize it, you already have a records management program. The problem is, it may be doing more harm than good. If your records are filed in a haphazard manner, if you don't know exactly what you have and where you have it, if it takes you too long to find what you need, if your office space is packed to the ceiling with file cabinets and boxes, if records are stored in unsuitable locations, if you throw away records too soon, or if you don't destroy records often enough, you could benefit from spending a little time, effort, and resources on implementing a beneficial records management program for your office. The information in the following pages should help the elected or appointed county official or department head learn how to get a good grasp on records management for his or her individual office.

Evaluate

Reference Number: CTAS-1183

The first thing to do is find out exactly where you are. Begin with an evaluation of the current state of the records of your office. Performing an inventory of your stored records is fundamental to efficient records management and gives you some hard data with which to make sound decisions. It is virtually impossible for a county office to get any sort of handle on its records situation unless it knows, with some degree of exactness, what records are in storage, how much of them there are, and how old they are.

Inventory

Reference Number: CTAS-1184

Once you have selected someone to do the inventory, make sure they understand the information you need and the goals of the inventory. Your office may wish to use the [Sample Records Inventory Worksheet](#) as a guide for performing an inventory. "The general goals of the inventory should include

- Identifying the various records series in each office,
- Describing all record locations and storage conditions,
- Providing dates and other useful information,
- Measuring space and equipment occupied by records, and
- Providing a basis for writing records retention schedules."^[1]

The inventory will be beneficial to your office in a number of ways.

- Obviously, it will tell you exactly what records you have and where to find them. This alone will increase the efficiency of your office.
- It will help locate records that you can get rid of. Using the inventory and the records [retention schedules](#) for your office, you will probably discover a number of records that are unnecessarily taking up space in your office or your storage area.
- It will identify records that are in danger. Paper records can be easily damaged by water or even

excessive humidity or other environmental problems. If your inventory finds evidence of water damage to records, mold and mildew, or signs of damage from vermin, insects or other pests, take steps to remedy these problems before your office loses vital information.

[1] *Managing Records on Limited Resources* A Guide for Local Governments, Stephen E. Haller, CRM, issued by the National Association of Government Archives and Records Administrators, November 11, 1991, p. 3.

Filing Systems

Reference Number: CTAS-1185

After you have evaluated the inventory of the records your office keeps, spend some time evaluating your filing system as well. If improvements can be made to the way you file records, you will improve administrative efficiency in your office and reduce costs. "If every employee of an agency of local governments spends even 5 percent of the time searching for hard-to-find information, that time translates into very substantial sums of money, and quality of services is sure to suffer."^[1] A good filing system will provide two major benefits to the people using it: *precise* retrieval and *timely* retrieval.^[2] Another way of thinking about these issues is to ask "Can I find *what* I want *when* I want it?" If your filing system results in records retrieval that takes too long, that only gives you part of what you want, or gives you back much more than you needed, it is inefficient. Poor filing system performance is generally attributed to seven major factors.

1. Inadequate management attention;
 2. Poor organization and structure of files;
 3. Poor labeling and indexing procedures;
 4. Uncontrolled growth of records;
 5. A high incidence of missing, misfiled, or lost records;^[3]
 6. Inadequate and/or poorly trained files personnel; and
 7. Inadequate or no formal record-keeping procedures.^[4]
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[1] *The Daily Management of Records and Information* A Guide for Local Governments, issued by the National Association of Government Archives and Records Administrators, p. 1.

[2] *The Daily Management of Records and Information*, p. 2.

[3] "Studies show that between 1 and 3 percent of an organization's records are not available to the users due to one of these causes." *The Daily Management of Records and Information* p. 3.

[4] *The Daily Management of Records and Information*, pp. 2 and 3.

Filing Equipment

Reference Number: CTAS-1186

You may think all filing cabinets are alike, but that is just not true. Do not simply assume the storage system you have cannot be improved upon. You have options to consider. Movable-shelving, color-coded open-shelving systems and even bar-coding have become common in many offices that handle a large volume of records. The old standard vertical-drawer filing cabinet first came into use in the late 19th century and many records managers consider these cabinets to be functionally obsolete for most modern office applications. "[The vertical-drawer file cabinet] is the most costly of all filing equipment, since it requires more floor space and more physical time and effort to access the folders. It also does not provide the full benefit of visual retrieval aids, such as special labeling and color coding."^[1] If you know your filing system is inefficient, consider checking into more modern equipment. Although it will cost money initially, it may save money in the long run by saving floor space in your office, thereby postponing the need for expansion or relocation, and by reducing staff time that is wasted on an inefficient filing system with cumbersome storage units.

[1] *The Daily Management of Records and Information* A Guide for Local Governments, issued by the National Association of Government Archives and Records Administrators, p. 8.

Records Disposition Authorizations (RDAs)

Reference Number: CTAS-1187

Your first question is probably “what is an RDA?” The acronym RDA stands for Records Disposition Authorization. An RDA provides a formal statement of when a record can be destroyed and what authority serves as the basis for its destruction. This document can, however, be much more. A comprehensive RDA becomes a plan for the entire life of a record series from creation to final disposition. Among other things, a comprehensive RDA should include—

- a basic description of a record series;
- information about how the record is created;
- how it is used;
- where it needs to be stored;
- what format it needs to be kept in;
- who should have access to the record;
- how long it is in active use by an office;
- when to move a record into inactive storage;
- whether a record is vital or confidential; and
- whether or not the record can be destroyed.

RDAs and the retention schedules differ in a number of ways. The retention schedules describe the various records of an office, state if a record is permanent, identify the minimum amount of time a temporary record must be kept and state a legal authority or rationale for that retention period. They generally do not tell you where to keep a record, how long the record may be in active use, and when a record can be moved to inactive storage or an archive. Those determinations are office-specific based on the resources available to you and the operating procedures of your office. The retention schedules will provide you with the foundation for writing your RDAs; but you are encouraged to consider them only a starting point. If your office handles a large number of records and a lot of people deal with them, consider putting more than the minimum into your RDAs.

RDAs are fundamental to an efficiently operating records management program in any office with a large volume of records. RDAs allow an official to summarize on a single form what records are out-dated and eligible for disposal, and then use that form to request permission from the County Public Records Commission to destroy. Such authorizations may be *continuing*, i.e. ready to use whenever records of a particular type have reached the end of their life-cycle and may be destroyed or placed in an archive. Once created, the RDA would only need periodic review to ensure that the plan you laid out for a group of records still makes sense and complies with your needs and any applicable legal requirements. Each office should have a set of RDAs that covers all the records it creates as well as older ones it inherits. (See the [sample RDA Form](#) developed by the Tennessee State Library and Archives This form may be copied and used to submit RDA's to the records commission.)

The following general principles and considerations may be helpful in making decisions about how to manage your records. They are quoted verbatim from the Tennessee State Library and Archives Tennessee Archives Management Advisory entitled Appraisal and Disposition of Records.

- If a legislative mandate requires permanent or temporary retention of any record, set of records, or class of records, then the record(s) specified in the mandate must be kept at public expense for at least so long as the mandate requires.
- A record or set of records should be retained by an agency so long as it is useful to performance of its routine functions.
- A decision to retain records beyond such active usefulness or legislative mandate is a decision to maintain them in such condition that they can be examined readily by the public. Such a decision requires a commensurate commitment of resources to continuous care and custody for the entire term of retention.
- A decision for permanent retention is a decision for perpetual care.
- Records should not be kept beyond their useful life in the public interest.

- No record that is necessary to the public interest should be destroyed.
- Records that are retained beyond their active usefulness to the routine functions of an agency must be of sufficient public interest to justify the expense of keeping and administering them, and the justification should be clearly stated, understood, and agreed to before accepting the responsibility and paying the cost to retain the record(s).
- The following kinds of records may all be appraised as having archival value for permanent retention:
 1. essential records that are needed to resume or continue operations or to recreate legal and financial status after disaster, or that are needed to protect or fulfill obligations;
 2. records that have lasting value as legal and fiscal evidence to account for responsible government; and
 3. records that are of such high evidential and historical value that they should be retained at public expense for the sake of a sound, reliable, and comprehensive understanding of the political, social, economic, and historical context of government and culture.

Develop Written Policies and Procedures

Reference Number: CTAS-1188

Both large and small offices can benefit from having written records management policies on certain issues. The policies should adopt the Records Retention Schedules, incorporate any Records Disposition Authorizations developed by your office, and include policies for dealing with inactive records, for allowing public access to records and making copies, for responding to emergencies that threaten records, for maintaining confidential records, for keeping records in alternative storage media, and for interacting with the county public records commission, the Tennessee State Library and Archives, and a records center or archive if one is in existence in your county. If you think your office has had or may have a problem with files being lost, stolen, or misplaced, develop a policy and procedures for tracking files as well. Require anyone removing a file from its storage space to fill out a "sign-out" sheet indicating who they are, what record they are taking, and the date of its removal. This procedure should help your office track down misplaced records and cut down on losses. If you have an active records commission in your county, it may have already used its authority to develop policies on some of these issues. In that case, you could simply incorporate the commission's policies into your office procedures.

Continuing Maintenance

Reference Number: CTAS-1189

The best records management program will quickly fall into obsolescence if the office does not make efforts to stay on top of things. Records, particularly government records, grow at an astronomical rate. If you do not take steps to regularly move inactive records to other storage and destroy temporary records when they become eligible for destruction, they will soon begin to fill up your filing equipment, then your office, and bring clutter and disorganization to all operations. Consider implementing a "records clean-up day" for annually re-assessing the records of the office to identify what can be moved or destroyed. Select a time that is not in the middle of your busy season (perhaps around the holidays) and designate a day for everyone to identify records that can be destroyed and collect them.

Appoint a Records Management Officer

You may want to appoint one person within the office to be a records management officer. Having a single person responsible for records management efforts made within your office and to coordinate communication about your records with entities outside your office (the county public records commission, a records center, or an archives) can be a key to achieving success. The person should have good organizational skills, but should obviously not already be overwhelmed with too many other duties to be able to devote any time to records management. It may surprise you to hear that almost one-fourth of local governments have a full time records officer.^[1] Having an appointed records management officer who can designate part of his or her time year-round to keeping the office files current will go a long way toward insuring that your records management program succeeds.

^[1] *Managing Records on Limited Resources* A Guide for Local Governments, Stephen E. Haller, CRM, issued by the National Association of Government Archives and Records Administrators, November 11, 1991, p. 2.

Disposal of Records

Reference Number: CTAS-206

Even the best planned and operated records program will fail miserably if it never gets rid of records. Simply keeping and storing away every record in short, the “out of sight, out of mind” version of records management is not a viable or responsible option. In order to find what you need and preserve what you need to keep, you have to eliminate records that no longer have any value. That is where disposal comes in.

Checks and Balances—Disposing of the records of a county office is not as simple as hauling them out to the trash when you get tired of them. Because these records can be of great importance to so many people, there are a number of procedural checks and balances to go through in order to lawfully dispose of records, whether the disposition is by destruction or transfer of the records to another institution. For many records, the official who has custody of the record, the county public records commission, the Tennessee State Library and Archives, and, for court records, a judge, all need to be involved in determining the final disposition of the record.

What Kind of Record Is It?—When trying to decide what to do with records, the first step is to identify them and classify them. The retention schedules will tell you how long a record needs to be kept. Find the description in the schedule that matches the record you are considering and see what the table indicates. For disposition purposes, records will fall into one of three classes: working papers, temporary records, and permanent records. The procedures for disposing of each of these classes are different.

Working Papers

Reference Number: CTAS-1190

Working papers are defined as “those records created to serve as input for final reporting documents, including electronic processed records, and/or computer output microfilm, and those records which become obsolete immediately after agency use or publication.”^[1] This class of records comprises all those little records that come and go in the course of a day that we usually do not even think about as records. Whether it’s notes for a meeting or a rough draft of a report, if the record becomes obsolete after you use it, consider it a working paper. The good news about working papers is that they are easy to get rid of. Any public record defined as a working paper may be destroyed in accordance with the rules and regulations adopted by the public records commission without retaining the originals of such record and without further review by other agencies.^[2] Any rules and regulations of a public records commission regarding working papers should be liberal, allowing county officials to eliminate these records as easily as possible before they become burdensome. Many working papers generated by county offices are extremely informal types of records. Because of that officials may not find anything in the retention schedules that describes them. Consider whether the record matches the definition above when trying to determine if it is a working paper.

[1] T.C.A. § 10-7-301.

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

Temporary Records

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.

Permanent Records

Reference Number: CTAS-1192

Permanent records are records of such value that they must always be retained in some kind of permanent format. Examples of permanent records are the deeds filed in a registers office, the minutes of the county commission, and the original process in a civil or criminal proceeding. Some records, like deeds, are kept permanently because the record continues to have legal significance in perpetuity. Other records are permanent because they preserve certain information about the way we live and conduct government and are therefore valuable historically. Still others are useful for statistical or planning purposes. Then there are those that are permanent simply because there are laws that have declared them to be so. All of these need to be kept in such a manner as to preserve them indefinitely. However, while the information in the record must be preserved, you do not necessarily have to keep the original paper copy of these records.

Duplication of Permanent Records

If you can safely and successfully convert paper records into another permanent media that is easier to store, the original paper version of the records can be destroyed.^[1] This is where the checks and balances are extremely important. No original permanent public record may be destroyed under the law

unless a majority of the county public records commission agrees.^[2] The records commission should take this review seriously and make certain that the original records were completely and accurately reproduced into a durable medium by the official or his or her contractor before giving approval to destroy the paper. Before destruction, there are also notice requirements. There are two major types of alternative storage formats for records that are recognized in the law: photographic and electronic. However, the State Library and Archives does not consider any existing format for electronic records to be of permanent archival quality. See [Alternative Storage Formats](#) for more information

Notice Requirements in Destroying Original Copies of Permanent Records

Even after authorization for destruction of original paper records has been granted by the county public records commission, no *permanent value* record may be destroyed until notice is given to the Tennessee State Library and Archives of the intent to do so. Notice is to be given at least 90 days prior to destroying the records.^[3] Upon receiving notice, the staff of the state archives is directed to examine the records approved for destruction and take into its possession any records believed by the state archivist to be of historical value for permanent preservation. If the records commission receives no reply after nine months from the date of providing notice to the Tennessee State Library and Archives of the intent to destroy records, it may proceed with the destruction of the records described in the notice.^[4] However, county officials should note that the Tennessee State Library and Archives considers the wisdom of this practice to be very questionable and should only be used in rare cases if ever.

[1] T.C.A. § 10-7-406.

[2] T.C.A. § 10-7-404(a).

[3] T.C.A. § 10-7-413(a).

[4] T.C.A. § 10-7-413(a).

Methods of Destruction

Reference Number: CTAS-1193

This may seem to be a simple question, but officials often ask “how should I destroy a record?” For many working papers and some temporary records of an office, tossing them in the trash, or better yet, recycling them, is appropriate. However, if there is a possibility that confidential information is included in the records, they should be disposed of in a manner that obliterates this information such as shredding or burning.^[1] The employees of your office would probably prefer that old temporary payroll records of your office which may contain their social security numbers not be put into a trash bin where someone could sift through them. Similarly, even though the information may be public while it is in your custody, many citizens would prefer that taxpayer records, vehicle registrations and other county records are obliterated when they leave your custody and don’t end up blowing around in a landfill for anyone to find. Computer records that are eligible for destruction should be fully deleted with storage disks destroyed, reformatted or over-written with new information to eliminate traces of the old files.

[1] See Op. Tenn. Att’y Gen. No. 01-040 (March 19, 2001).

Special Considerations

Reference Number: CTAS-1194

Various law provides for some special considerations for certain records or types of records. These requirements should be considered when an official or the public records commission is making decisions about how to manage or dispose of these records

Financial Records and Audits

Reference Number: CTAS-1195

One important group of such records are those financial records that are needed for an audit. Most financial records of county offices are temporary records that must always be kept at least as long as is required for audit purposes. Regardless of whether or not an official thinks a financial or accounting record has served its useful purpose, it cannot be destroyed if the office of the comptroller deems it necessary for audit purposes.^[1] You will notice that most financial records listed in the retention schedules have a five-year retention period. This standard is based on the recommendation of the Division of County Audit

in the Office of the Comptroller. Records that are important for audits need to be maintained through the time of the audit plus about three years afterwards in case any problems turn up. Formerly, the retention period for these records was based on keeping them for three years after the audit is complete. Since it was often difficult for a local official to know when an audit became final, the retention period was changed to five years from the date of creation of the record. This gives the official a definite time period to work from and also allows continuous destruction of financial records rather than lumping all records from a fiscal year together with a single retention date. Generally, this five-year period should suffice; however, if directed by the comptroller's office to preserve records for a longer period due to an ongoing audit investigation or some other unusual circumstance, the local official should comply.^[2]

^[1] T.C.A. § 10-7-404(a).

^[2] T.C.A. § 10-7-404(a).

Exhibits and Evidence in Court Cases

Reference Number: CTAS-1196

The law includes a number of special considerations for materials which have become evidence and exhibits in judicial proceedings. Although some of these materials are technically not "records" this information is related to records management for court clerks. Some of this information also appears in the retention schedules for court clerks. Exhibits are treated differently depending on whether they are documents or some other kind of physical evidence or firearms.

Documents

Unless local rules of court provide otherwise, the clerk can destroy certain records under the direction and order of the judge once the case has been finally disposed of for a period of 10 years. "Finally disposed of" means judgment has been entered and the appeal times have lapsed for all parties. The clerk has to retain the pleadings, original process and original opinion, original rules, appearance and execution dockets, minute books, and plat or plan books as permanent records. But all other records, dockets, books, ledgers and documents can be destroyed pursuant to a court order.^[1] In civil cases, the 10-year period is shortened for certain types of records. A judge may order the clerk to destroy discovery materials, briefs, cost bonds, subpoenas and other temporary records in civil cases three years after the final disposition of the case.^[2]

In addition to these procedures, clerks need to comply with T.C.A. § 18-1-204. That statute requires them to notify the Tennessee State Library and Archives of the records they intend to destroy and give them 90 days to examine and remove any significant historical records if they so choose. Also, once they get an order for destruction of records from their judge, the clerks should take the order to the records commission for approval prior to destruction pursuant to T.C.A. § 10-7-406.

For Physical Evidence Other than Documents and Firearms

Physical evidence has a more complicated set of procedures, but the good news is that you can destroy it sooner. If evidence is used in a case, once the case comes to judgment or conclusion and once all appeals have been settled, the clerk is to give 30 days notice to the attorneys of record in the case that they can come pick up any thing that belongs to them or their clients. After 30 days, the clerk can dispose of the evidence by following the procedures in T.C.A. § 18-1-206(a)(2)–(7). This statute requires the clerk to make an inventory of the evidence to be destroyed with references to the case involved and the term of court in which the evidence was used. The clerk then publishes the inventory for three consecutive weeks in a newspaper of general circulation. Parties who want to object to the disposition of the property or make a claim for it have 30 days to file a petition with the court. Once that time passes, the clerk gives the inventory (and any petitions people may have filed) to the court for the judge to approve or reject each item on the list and decide if it should be—

1. Returned to the owner or the owner's attorney;
2. Preserved by an organization for historical purposes;
3. Sold; or
4. Destroyed.

The clerk then gives the court order and the items to be disposed of to the sheriff. Depending on the disposition ordered for the item, the sheriff then delivers the items to their owners or to historical organizations or advertizes and sells the items or destroys them and files an affidavit concerning the destruction of the items with the court.

For Firearms

If a court clerk has exhibits in his or her possession that are firearms they should be disposed of in accordance with the procedures spelled out in T.C.A. §§ 39-17-1317 and 39-17-1318.

[1] T.C.A. § 18-1-202.

[2] T.C.A. § 18-1-202(b).

Other Miscellaneous Special Considerations

Reference Number: CTAS-1197

Records and documents of proceedings in a court of record can only be destroyed after a judge has issued an order authorizing their destruction.^[1] Regardless of who approves it however, the law explicitly prohibits the destruction of any original process in a civil action or criminal proceeding.^[2] Records pertaining to mortgages and deeds of trust on personal property and chattel mortgages can only be destroyed after the term of the mortgage has expired and all conditions have been met and the register approves the destruction of the record.^[3] Finally, no record of a county office or a court of record can be destroyed if the county official or judge who has custody of the record objects to its destruction.^[4] Court case files commonly contain material that is rich in historical and genealogical significance. If the county has an archive or is considering establishing one, these records are excellent candidates to be preserved for their historical value.

[1] T.C.A. § 18-1-202.

[2] T.C.A. § 10-7-404(c).

[3] T.C.A. § 10-7-412.

[4] T.C.A. § 10-7-404.

Alternative Storage Formats

Reference Number: CTAS-205

Paper is not the only medium in which records can be stored. Many county offices are choosing to store records in either photographic (microfilm, microfiche, etc.) or electronic media for a variety of purposes and reasons. Each medium offers different advantages and disadvantages. Counties should thoroughly research either system before investing revenue and entrusting its vital records to a different storage media.

Alternative Formats and Temporary Records

Reference Number: CTAS-1198

Generally, if you are only keeping a record for five years or less, it is not cost-efficient to microfilm the original paper records or convert them to other media. But certain records that are “temporary” actually have a rather lengthy retention period. Many court records need to be kept 10 years and employee earning records that may be used for computing retirement benefits are kept for the approximate life of the employee. Even though these records do not have to be kept permanently, you may find it useful to convert them to other more compact formats for storage and destroy the paper originals shortly after they were created. Microfilming or electronic storage of these long-term temporary records can be ideal solutions to storage space problems. Once the records have been duplicated, apply to the County Public Records Commission for approval to destroy the original paper document. Approval of the records commission is necessary prior to the destruction of the original of any record that is still within its retention period.^[1] It is not necessary to notify the Tennessee State Library and Archives of the destruction of original copies of temporary value records.^[2]

Some local government offices are trying to do away with paper versions of some temporary records altogether, creating and storing the records solely in an electronic format. The law authorizes local governments officials to keep any records that the laws requires them to keep in electronic format rather than bound books or paper records.^[3] However, certain stringent guidelines must be met in order to keep the records this way and local officials are strongly cautioned not to keep permanent records solely in an electronic format. Many officials have a dual system for some of their records. Using scanning or

imaging technology, some offices create, then primarily use the electronic versions of their records even though paper or microfilm versions are also created and used as a security copy or for long term storage.

[1] T.C.A. § 10-7-404(a).

[2] T.C.A. § 10-7-413.

[3] T.C.A. § 10-7-121. But see T.C.A. § 49-2-301 that requires directors of schools to keep some records in both paper and electronic formats.

Microfilm

Reference Number: CTAS-1199

The process of microfilming^[1] is more than 150 years old. "In 1839 the French began to use micro-photography, primarily for placing small portraits into lockets. During the Franco-Prussian War of 1870-1871, the French filmed documents and used carrier pigeons to transport the filmed information to unoccupied portions of France."^[2] Comparatively, this makes the process of microfilming seem ancient compared to newer electronic formats for record keeping. There are several well-documented advantages of microfilm; control, convenience, space savings, protection, and the quick entry of full text.^[3] Microfilming can offer as much as a 98 percent reduction in storage space over storing records in their original paper format.^[4] By having a back-up copy of microfilm stored off-site, governments can almost immediately recover from any disaster or occurrence that damages its vital paper records. Produced correctly, microfilm is considered to be archival quality meaning it is a suitable format for storing permanent retention documents.

But microfilm also has its disadvantages. No alternative format is going to be a perfect solution for all your records management problems. Microfilming is not cheap. It is a labor intensive process that requires a level of expertise from the person doing the work. Additionally, if microfilm is not properly produced, developed and stored, it will not stand the test of time. It may be difficult to recognize deterioration of microfilm records or mistakes in the filming process until it is too late to correct the problem. There is anecdotal evidence of some cases where a person filming records made the error of skipping over many pages of text which were subsequently lost forever when the paper originals were destroyed upon the completion of filming. For these reasons, it is vitally important that any county office relying on microfilm have a strict quality control procedure in place to make sure the film adequately captures the content of the paper records prior to their destruction.

[1] The term microfilm or microfilming will be used generally to discuss the various micro-photographic processes available.

[2] *Using Microfilm*, Julian L. Mims, CRM, issued by the National Association of Government Archives and Records Administrators (February, 1992), p. 1.

[3] *Using Microfilm*, p.1.

[4] *Using Microfilm*, p.1.

State Laws Regarding the Photographic Preservation of Records

Reference Number: CTAS-1200

County public records commissions may authorize the destruction of original records that have been reproduced through photocopying, photostating, filming, microfilming, or other micro-photographic process.^[1] When doing so, the records must be reproduced in duplicate. The reproduction must result in permanent records of a quality at least as good as is prescribed by the minimum standards for permanent photographic records as established by the Bureau of Standards of the United States government (now the National Institute for Standards Testing). One copy of the reproduction shall be stored for safekeeping in a place selected by the county public records commission and concurred in by the county legislative body. If proper facilities are available, the location should be within Tennessee. The storage location should be selected based on the goal of preserving the records from fire and all other hazards. The other copy of the records must be kept in an office in the county accessible to the public and to county officers,

together with the necessary equipment for examining the records whenever required and requested by the public during reasonable office hours. Microfilmed records may be kept in the office that generated the records, or, if the records commission determines, all such records of the county may be kept in one central microfilm repository for all microfilm records of the county.^[2] The law specifically states that it is the intent of the General Assembly to provide for the original recording of any and all instruments by photograph, photostat, film, microfilm or other microphotographic process.^[3] Other statutes also provide that county election commissions, with the approval of their county legislative bodies, may use a supplemental system for maintaining voter registration using microfilm.^[4]

State Microfilming Program

Before embarking on their own microfilming program, county offices should consult with the Tennessee State Library and Archives to find out more about the services available from that agency and for its recommendations on working with private vendors. The office of Preservation Services, Tennessee State Library and Archives may be reached by phone at (615) 741-2764. The law provides that the Tennessee State Library and Archives is charged with providing trained staff and appropriate equipment necessary to produce and store microfilm reproductions of official, permanent value bound volume records created by county and municipal governments. To implement this security microfilming program, the Tennessee state librarian and archivist is authorized to develop a priority listing of essential records based on retention schedules developed by the County Technical Assistance Service and the Municipal Technical Advisory Service. This priority listing of essential records may be revised from time to time to accommodate critical needs in individual counties or municipalities or to reflect changes in retention schedules. The camera negative of the microfilmed records shall be stored in the security vault at the Tennessee State Library and Archives and duplicate rolls of these microfilmed records shall be made available to county and municipal governments on a cost basis.^[5]

Budgetary constraints over recent years have forced the Tennessee State Library and Archives to scale back some of the microfilming services it offers. However, the agency still performs limited microfilming services free for local governments and remains the best objective source of information and advice about microfilming for Tennessee counties.

[1] T.C.A. § 10-7-404(a).

[2] T.C.A. § 10-7-406.

[3] T.C.A. § 10-7-406.

[4] T.C.A. § 2-2-137.

[5] Title 10, Chapter 7, Part 5.

Technical Guidelines

Reference Number: CTAS-1201

The following guidelines for producing and storing microfilm are considered crucial by the Tennessee State Library and Archives.^[1] For more information on microfilming, contact the [Tennessee State Library and Archives](#).

- Microfilm must conform to national archival processing and storage standards if it is to survive.
Tennessee law requires that "photographic film shall comply with the minimum standards of quality approved for permanent photographic records by the national bureau of standards [now the NIST] and the device used to reproduce such records on film shall be one which accurately reproduces the original thereof in all details."^[2]
- Good preparation of records to be filmed is crucial to success.
If they need it, you should clean and flatten the records before filming. You must film the records in their correct order and arrangement. At the beginning of each group, series, and sub-series, identify the records by filming descriptive "targets" that also include notes on physical condition and arrangement of the records.
- All records in a group or series, regardless of condition, must be filmed in proper orientation, order and focus.

If a page is omitted or improperly filmed and the original destroyed after filming, there is no

way to recover the permanent record that should have been preserved.

- Archival quality silver-gelatin film must be used for the camera-image negative film, and it must be processed according to archival standards.

Diazo film and other inexpensive process films will not endure. Residual chemicals on film from poor processing will destroy film.

However, reference copies may be on any sort of commercial film that is convenient and affordable. It will have to be replaced from time to time, since heavy use in readers will wear out the film.

- The original negative (camera-image) film must be reserved in archival storage conditions and should be kept in a site removed from the main archives.

Only positive copies of the original negative should be used for reference, otherwise the original may be destroyed. High humidity and changes in temperature that are wide or frequent tend to hasten the destruction of film.

The original negative (camera image) film must be used only to produce reference copies as needed. Indeed, it is still better to have a second negative copy, from which to produce reference-use positives, so that the camera-image negative original is itself preserved.

Off-site storage, under archival conditions offers the best chance for survival of the original negative film. The Tennessee State Library and Archives is a good storage option for counties and municipalities that wish to preserve their original camera-image, negative film.

[1] Tennessee Archives Management Advisory 99-005, Microfilming Permanent Records, January 11, 1999.

[2] T.C.A. § 10-7-501.

Electronic Records

Reference Number: CTAS-1202

County governments can now use computers both as a format for creating and maintaining records originally as well as for reproducing existing paper records onto other storage media. There are a host of issues related to electronic record keeping from security and access to migration and preservation. In some cases, the laws that govern record keeping have not kept pace with the technology that is available. In other cases, the law authorizes some actions to encourage the use of electronic records even though current technology has yet to generate a reliable answer to some concerns of long-term records management.

Creating Records in an Electronic Format

Reference Number: CTAS-1203

Any records required to be kept by a government official in Tennessee may be maintained on a computer, removable computer storage media, or in any appropriate electronic medium, instead of bound books or paper records.^[1] But in order to do so, the following standards must be met:

1. The information must be available for public inspection, unless it is required by law to be a confidential record;
2. Due care must be taken to maintain any information that is a public record for the entire time it is required by law to be retained;
3. All daily data generated and stored within the computer system must be copied to computer storage media daily, and the computer storage media that is more than one week old must be stored off-site (at a location other than where the original is maintained); and
4. The official with custody of the information must be able to provide a paper copy of the information to a member of the public requesting a copy.^[2]

These standards, however, do not require the government official to sell or provide the computer media upon which the information is stored or maintained.

[1] T.C.A. § 10-7-121.

[2] T.C.A. § 10-7-121.

Electronic Conversion of Paper Records

Reference Number: CTAS-1204

The County Public Records Commission may also, upon the request of any office or department of county government, authorize the destruction of original public records which have been reproduced onto computer or removable computer storage media, including CD ROM disks. ^[1] Despite the fact that copying of permanent records to electronic media is authorized by the law, be aware that the Tennessee State Library and Archives does not consider any existing format for electronic records to be of permanent archival quality. ^[2] Once the records have been duplicated, the official with custody of the records must apply to the County Public Records Commission for authority to destroy them. An original paper version of a record required by law to be permanently retained must not be destroyed once reproduced without a majority vote of the county public records commission.

Prior to the destruction of any records reproduced onto electronic storage media, the County Public Records Commission is also required to advertise its intent to do so in a newspaper of general circulation in the county, and, in those counties with a population in excess of 200,000, in a weekly newspaper. ^[3] The notice should describe the records by title and year, indicate that the records have been electronically stored, reproduced and protected, and indicate that the county office or department has requested permission to destroy the original record.

See [Electronic Records are Not Permanent Archival Records](#); Tennessee State Library and Archives.

^[1] T.C.A. § 10-7-404(d)(1).

^[2] See Tennessee Archives Management Advisory 99-006.

^[3] T.C.A. § 10-7-404(d)(1).

Why Electronic Formats May Not Be Well Suited for Permanent Records

Reference Number: CTAS-1205

New technologies bring our offices new capabilities and wonderful conveniences. Computers can make the task of searching for and finding a specific record, or all records related to a specific topic, as simple as the push of a button. They were designed and intended for the compact storage of massive amounts of information and rapid processing of that information; they were not designed for permanence and therefore present new problems and dangers to the county official managing public records. Be aware that many of the best state and national records authorities do not consider any electronic format currently available, including CDs or computer hard drives, to be viable for data storage longer than 10 to 15 years.

Therefore, electronic records may not be suitable as the sole format for keeping long-term or permanent records.

As the statutory provisions authorizing remote access or electronic creation and duplication of records indicate, extra safeguards are necessary with electronic records. If you consider for a moment the true nature of electronic records, you can see why precautions are necessary.

Fragility

Computer records are nothing more than magnetic impulses embedded in a chemical medium. Does not sound like something that is going to last through the ages, does it? The truth is, electronic records are much more convenient to use, but they are also more fragile than paper records. Like paper records, fire and water can destroy them, but so can magnetic impulses, power surges, heat and moisture. Unlike paper records, a little bit of damage goes a long way. A spilled cup of coffee may ruin a few papers on your desk before you can clean up the mess. Spill the same cup onto your computer, and the equivalent of volumes and volumes of information can be destroyed in a moment. Another manner in which computer records are unlike paper records is the possibility of damaging the records through use. Continuous use over a long period of time may cause the deterioration of a bound volume, but that in no way compares to the amount of damage that can be done to a disk of computer records by a negligent or malicious user. Damage to paper records is generally more readily apparent and more easily remedied than damage to electronic files.

Computer Records Are Not "Human-Readable"

When you use computer records, you need a third party involved namely, a computer. If something

happens to your computer system, you cannot access the records until it is replaced. If the problem is a lightning strike that knocked out a few PC's in your office, it is no big deal. They may be expensive, but they are definitely replaceable. If the problem is a bug in a proprietary record-keeping software package and the company that wrote your software is out of business, you may have an insurmountable problem. No matter how well you preserve the computer media with the data on it, without a program you cannot read it.

Data Migration

If you still think computer records are safe and reliable for long term usage, consider this: even if you have your magnetic tapes and computer disks and CD-ROMS in 10 or 20 years' time and they have been perfectly preserved in pristine condition, will you still be running the same computer? This is a problem which may prove to be the most serious technological issue of this century. The retention schedules provide an ironic example of the problem. The previous CTAS records manuals produced in the 1980s were recorded onto 5.25 inch floppy disks. When work began on the 1999 edition of the records manual, only one ancient computer remained in the office that had a disk drive that could read the old files. Luckily we were able to copy the files onto the network and preserve the information before it was lost. It does not take 15 or 20 years for compatibility issues to arise. Replacing five-year-old computers may create difficulties in transferring data due to changes in the types of media read and written by the computer or changes in operating systems which create incompatibilities.

These examples highlight significant data management problems that arose in less than a generation—merely five or 10 years. Imagine the difficulty finding a way to access computer records that are 30, 40 or, in the not too distant future, 100 years old. To avoid falling victim to the rapid changes in technology, you must have a system of data migration. Whether you use a computer for keeping the current financial records of your office or you are using an imaging system to capture information on old records, you must anticipate and plan on being able to transfer that information from one computer system to the next as you upgrade your equipment and software. Failing to recognize this need will lead to a disaster. To be on the safe side and to ensure long-term preservation of permanent records, such records should be kept as paper or microfilm, in addition to the electronic systems used for access.

See [Electronic Records are Not Permanent Archival Records](#); Tennessee State Library and Archives

Other Issues Relative to Electronic Records

Reference Number: CTAS-1206

Remote Electronic Access to County Records

Each county official has the authority to provide computer access and remote electronic access for inquiry only to information contained in the records of the office that are maintained on computer storage media in that office, during and after regular business hours. However, remote electronic access to confidential records is prohibited. The official may charge a fee to users of information provided through remote electronic access, but the fees must be in a reasonable amount determined to recover the cost of providing this service and no more. The cost to be recovered must not include the cost of electronic storage or maintenance of the records. Any such fee must be uniformly applied. The official offering remote electronic access must file with the comptroller of the treasury a statement describing the equipment, software, and procedures used to ensure that this access will not allow a user to alter or impair the records. This statement must be filed 30 days before offering the service unless the official has implemented such a system before June 28, 1997. T.C.A. § 10-7-123.

Records Management and E-Mail

Reference Number: CTAS-1207

Many county officials have raised questions about how to handle e-mail or how long e-mail should be kept. You will not find an entry in the retention schedules specifically for e-mail. E-mail is more of a format for records than a type of record itself. An inter-office memorandum may be typed and distributed on paper or it may be sent to all staff via e-mail. Either way, the retention period or procedures for managing the record should be determined based on the content of the memo, not its method of delivery. Much of the volume of e-mail that passes through our computers does not reach the level of an official "record." Recall the general definition of "public record."

Public record ... means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, 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.^[1]

This general definition is not as specific as the definition of county public records,^[2] but it highlights the fact that the record may take many different forms. The definition also makes clear that a public record is something created pursuant to law or in connection with the transaction of official business. E-mails unrelated to county business are generally not considered to be public records. Additionally, most email communications that do relate to county business are in the nature of working papers - something which serves as input for final reporting documents and becomes obsolete immediately after use. We recommend the county public records commission establish a policy which authorizes the destruction of working papers as freely and easily as possible so they do not become overly burdensome. But suppose you send someone a notice of a promotion solely via e-mail. According to the listing in the retention schedule for Promotion Records of Notices (see item 16-031), this record should be kept for one year from the date the record is made or the action is taken, whichever is later. A copy of this e-mail should therefore be retained at least that long.

Network administrators or information technology specialists will tell you that it is highly complex or expensive to manage electronic correspondence on an individual e-mail basis. Some e-mail programs have archiving features or a means of designating for preservation. But most likely, your office has a policy of backing up all the data in an e-mail server for a limited period of time. Eventually, the back up tapes or disks will be discarded or over-written. Many e-mails will be deleted by the person receiving them and possibly never make it to a back-up tape. Of course, every copy of a public record does not have to be kept. If you have electronic correspondence that would be considered a public record based on its content, it is recommended that you print that out and preserve it as a paper record or that you institute some means of designating certain e-mail files for preservation. You may want to particularly keep this in mind for e-mails which consist of correspondence with members of the public regarding the official business of your office. The retention schedule entry for Correspondence Files (see entry 15-010) recommends keeping correspondence with citizens or government officials regarding policy and procedures or program administration for five years. This standard should apply whether the correspondence is by traditional "snail mail" or e-mail.

E-Mail and Privacy

If your office uses e-mail and the Internet, hopefully you have some policy in place stating whether or not personal use of e-mail or the Internet is allowed and whether or not all e-mail correspondence remains the property of the county. Such policies at least put employees on notice as to whether or not they have any expectation of privacy in their e-mails. If it has not happened yet in your county, you may expect that at some point in the future you will receive a public records request from the media or from citizens to get a copy of e-mail correspondence of the office. At the time this was written there were no reported appellate cases to date in Tennessee regarding e-mail as a public record, however there have been cases considering this issue in other jurisdictions. In the Florida case of *Times Publishing Company v. City of Clearwater*,^[3] a newspaper reporter demanded copies of all e-mail of two city employees. The city allowed the employees to segregate their e-mail into two classes: public and personal. The city turned over the public e-mails, but refused to release the personal e-mails pending a determination by the court. Ultimately, the court ruled that personal e-mails which were not created or received in connection with the official business of the city did not qualify as "public records" subject to disclosure under Florida law and that it was proper for the city to remove them from the e-mails which were released.^[4] Whether or not a Tennessee court would reach the same conclusion under our public records statutes is unknown at this time. What is relatively clear is that the e-mails which related to the business of the city were considered public records and were subject to disclosure. Any county offices using e-mail correspondence to conduct the business of the office should keep this in mind.

[1] T.C.A. § 10-7-301.

[2] See T.C.A. § 10-7-403.

[3] *Times Publishing Company v. City of Clearwater*, 830 So.2d 844 (District Court of Appeal of Florida, Second District, 2002).

[4] *Times Publishing Company*, at 847.

Electronic Signatures and Transactions

Reference Number: CTAS-1208

County officials should also be aware of recent state and federal laws which have been passed to authorize and encourage electronic transactions and the acceptance of electronic signatures. In 2000, the U.S.

Congress passed the Electronic Signatures in Global and National Commerce Act ("E-Sign").^[1] That same year, Tennessee passed its own Electronic Commerce Act of 2000. This law was superceded and replaced the next year, when the Tennessee General Assembly then enacted the Uniform Electronic Transactions Act (UETA),^[2] which was a model law crafted by the National Conference of Commissioners on Uniform State Laws in 1999 and adopted by many states. These laws were all intended to facilitate and validate electronic transactions, but they do not replace existing laws or require the use of electronic signatures.

Electronic Signatures in Global and National Commerce Act (E-Sign)

The E-Sign Act did not amend or pre-empt existing laws specifically, but provided that notwithstanding any statute, regulation, or other rule of law, with respect to any transaction in or affecting interstate or foreign commerce (1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and (2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.^[3] Therefore, if a state law requires a transaction or signature to be "in writing," the federal E-Sign Act requires that you interpret the term "in writing" to include electronic files and signatures. E-Sign specifically exempts certain transactions from its provisions, including—

1. a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;
2. a state statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law; or
3. the Uniform Commercial Code, as in effect in any state, other than sections 1-107 and 1-206 and Articles 2 and 2A.^[4]

Additionally, E-Sign does not apply to—

1. court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings;
2. any notice of the following—
 - Cancellation or termination of utility services (including water, heat, and power);
 - Default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual;
 - Cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities); or
 - Recall of a product, or material failure of a product, that risks endangering health or safety; or
3. any document required to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials, wills, family law matters, court orders, most matters governed by the Uniform Commercial Code, notices of cancellation of utilities and notices of foreclosure.^[5]

Uniform Electronic Transactions Act (UETA)

As with E-Sign, this act does not require a record or signature to be created or sent in electronic format and only applies to transactions where all parties have agreed to conduct the transaction electronically but it does provide broad authorization for the use of electronic records and signatures. It also more directly controls the creation or receipt of such records and signatures by state and local government offices. The act provides that if the law requires a record or signature to be in writing, an electronic record or signature satisfies the requirement; however, the law also provides that if a law other than this act requires a record to be posted or displayed in a certain manner, to be sent, communicated or transmitted by a specified method, or to contain information that is formatted in a certain manner, then the record must be posted, displayed, sent, communicated or transmitted in accordance with that law. Similarly, if a law requires a record to be retained, the requirement is satisfied by keeping it electronically if the electronic record accurately reflects the information in the record and if the electronic record remains accessible for later reference. One provision of the act notably states however that the act does not preclude a governmental agency of this state (which is defined to include county governments) from specifying additional requirements for the retention of a record subject to the agency's jurisdiction. Therefore, even though two parties to a transaction may agree to perform that transaction electronically, if a county office must receive and retain a copy of that transaction, the county could require that copy to be in paper format.

Another section of the UETA specifically governs the creation and retention of electronic records and the

conversion of written records to electronic form by governmental agencies in Tennessee. It provides for the Information Systems Council (ISC) to determine whether and the extent to which the state or any of its agencies create and retain electronic records and convert written records to electronic records.

Officials of counties and municipalities and other political subdivisions are authorized to determine for themselves whether they will create and retain electronic records and convert written records to electronic records. Those officials can also determine whether the governmental agency will send and accept electronic records and signatures to and from other persons. To the extent that any governmental agency chooses to do this, the Information Systems Council may establish certain rules and regulations governing the process. Local government officials that choose to send and receive electronic records that contain electronic signatures, must file certain documentation with the comptroller prior to offering such service as well as providing a post-implementation review.

In 2003, the General Assembly amended state law to clarify that the Tennessee Uniform Electronic Transactions Act does not supersede the federal E-Sign Act in regard to the following: (1) The consumer disclosure requirement (when a written record of contract terms is required by law an electronic record can be used instead, if the consumer consents to such); (2) The accuracy and accessibility requirement (when a law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be retained, that requirement is met by retaining an electronic record of the information in the contract or other record); and (3) Denial of electronic record requirement (if an electronic record is not in a form that can be retained and accurately reproduced for later reference by all parties, such electronic record's legal effect, validity, or enforceability may be denied). This legislature also clarified that the Uniform Electronic Transactions Act does not authorize the electronic delivery of any of the following (consistent with the E-Sign Act):

1. Court orders or notices or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings;
2. Any notice of: cancellation or termination of utility services; default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual; the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities); or recall of a product, or material failure of a product, that risks endangering health or safety; or
3. Any document required to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.

So far, the impact of these laws on the daily operation of local government offices has not been significantly burdensome. However, they are a clear indication that in the future local government offices will have to adapt to a private sector that is moving further and further away from traditional paper transactions and relying more on electronic commerce and communications.

[1] 15 U.S.C. §§ 7001, *et seq.*

[2] 2001 Public Chapter 72, codified primarily in T.C.A. §§ 47-10-101, *et seq.*

[3] 15 U.S.C. § 7001(a)(1) and (2).

[4] 15 U.S.C.A. § 7003(a).

[5] 15 U.S.C.A. § 7003(b).

Geographic Information Systems Records

Reference Number: CTAS-1215

In 2000, the General Assembly also passed Public Chapter 868 to authorize counties to charge increased fees to people purchasing copies of a certain type of record for commercial purposes. Under the new law all state and local governments maintaining geographic information systems (GIS) are authorized to charge enhanced fees for reproductions of public records that have commercial value and include a computer generated map or similar geographic data. Prior to the passage of this act, local governments could charge only for the actual costs of reproduction of such data (usually a minimal charge for the costs of the computer disk or other copying media) unless they were in one (1) of five (5) counties designated by narrow population classes that had specific authorization to charge higher fees under the law. Under T.C.A. § 10-7- 506(c), local government entities that have the primary responsibility for maintaining a GIS can also include annual maintenance costs and a portion of the overall development costs of the GIS in the fees charged to users who want to purchase a copy of the information for commercial use. If the

system is maintained by the county, the county legislative body establishes the fees. If GIS is maintained by a utility, the board of directors establishes the fees. Two groups are exempt from the higher fees: individuals who request a copy of the information for nonbusiness purposes and members of the news media who request the information for news-gathering purposes. These exempt parties will be charged only the actual costs for reproducing the data. Development costs that may be recovered by the fees charged to commercial users are capped at ten percent (10%) of the total development costs unless some additional steps are taken. For local governments, the local legislative body and the state ISC must approve a business plan that explains and justifies the need for additional cost recovery above ten percent (10%). Even with the approval of such a plan, development cost recovery cannot exceed twenty percent (20%). However, these limits do not apply to annual maintenance costs, which may be fully recovered in the fees charged to commercial users. The recovery of development costs of a system is subject to audit by the comptroller of the treasury. Once the allowable portion of the development costs of the system have been recovered by the additional fees charged to commercial users, then the fees must be reduced to cover only the costs of maintaining the data and ensuring that it is accurate, complete, and current for the life of the system.

Identity Theft and Unauthorized Access to Electronic Records

Reference Number: CTAS-1209

Faced with growing concerns about identify theft, the General Assembly has begun to take steps to protect consumer information in business and government data bases that could be used for fraudulent purposes. Effective July 1, 2005, new provisions enacted in Title 47, Chapter 18, Part 21 of the *Tennessee Code Annotated* by 2005 Public Chapter 473 require county governments to notify affected parties when there has been unauthorized access to certain personal consumer information in the county's computers. The law applies broadly to any business doing business in the state of Tennessee and all agencies of the state of Tennessee and its political subdivisions. These entities must disclose, to any residents whose information has been compromised, any breach of a computer system which allows unauthorized disclosure of an individual's name in combination with any of the following: social security number, driver license number, financial account numbers, or credit or debit card numbers. Personal information does not include publicly available information lawfully made available to the general public from federal, state, or local government records. Notice may be provided by written notice or electronic notice. Substitute notice is allowed if the cost of providing notice would exceed \$250,000 or requires notice to more than 500,000 individuals. Substitute notice is defined to consist of e-mail notice if the information holder has e-mails for the affected parties, conspicuous posting of the notice on any internet page of the information holder, and notice to major statewide media. If circumstances require notification to more than 1,000 persons at one time, notice to all consumer reporting agencies and credit bureaus of the breach is also required. Any person injured by a violation of this act may bring a civil action against business entities to recover damages or enjoin the violator from further actions violating these requirements; however, state agencies and political subdivisions are exempt from the civil damages provisions of the act.

Proper Storage Conditions

Reference Number: CTAS-204

Like everything else on this planet, records need to be surrounded by the proper environment in order to survive. Most of the time, the records your office uses on a regular basis are kept in the same area that people work. This is good, because generally, the conditions that are comfortable for humans are also acceptable for storage of records of most formats.

Unless conditions are very severe, temperature and humidity are not factors affecting records scheduled for destruction in a few years. ... Wide fluctuation in temperature and high humidity can result in severe damage to these records. Ideally, the temperature range should be 65 to 75 degrees, and the humidity should be kept at 45 to 55 percent.^[1]

These conditions, at least the temperature ranges, are similar to those in the typical office environment. Unfortunately, the records we use most regularly and keep close around us in our offices are often those that we only need temporarily. Concerns about storage conditions become more important the longer you plan to keep a record. The problem is, those long-term or permanent retention records that need better care are often the ones we access less often, so they get moved out of the way into conditions that are less hospitable.

City halls and county courthouses, with their attics and basements, were never designed to accommodate this ever-increasing volume of semi-active and inactive records. This records growth,

plus inadequate records programs, has resulted in the misuse of existing office and storage areas and the use of unimproved warehouses, jail cells, fire stations, abandoned school buildings, and hospital rooms as inactive records storage sites, including storage of records of archival value. The undesirable features of these kinds of storage facilities and inadequate programs become apparent once it is necessary to obtain information from records in storage. It takes only a few unsuccessful attempts to locate records in poorly maintained areas to discourage further use. Time, neglect, and lack of maintenance will take their toll on records stored there.^[2]

For these reasons, counties should consider setting up facilities specifically designed for storing records on a long term basis. Rather than using basements, attics, or whatever space is available, the county may want to establish a records center for its inactive temporary records and an archives for its permanent value records.

^[1] *A Guide for the Selection and Development of Local Government Records Storage Facilities*, compiled by A.K. Johnson, Jr., CRM, issued by the National Association of Government Archives and Records Administrators (2nd printing, 1991), p. 9.

^[2] *A Guide for the Selection and Development of Local Government Records Storage Facilities*, p. 2.

Records Centers

Reference Number: CTAS-1210

A records center is essentially a centralized area for storing records. It is a place where all county officials can send their inactive records as an alternative to keeping them in their own offices where they take up valuable space and get in the way of operations. By default, the basement or bell tower of the courthouse may have become an ersatz records center, but the county should consider investing in a true one. A well-run records center can result in significant savings of both time and money while it protects and preserves records. "The effectiveness of a records center is based upon (a) its use of low-cost equipment which makes maximum use of space, (b) its ability to provide an orderly arrangement and control of records, and (c) its ability to employ procedures which assure prompt and efficient handling of records."^[1] Setting up a records center may sound like a project that only large counties might try to tackle. But small- and medium-sized governments can also benefit from saving money. One federal government study on cost avoidance estimated that "...for every cubic foot of records stored in a records center, there is a savings of \$16.08."^[2] When you consider the reams and reams of records in local government offices, including the school system and the court system, the savings can add up quickly.

A records center does not have to be a separate building. "A small government can usually convert an existing room quite easily since less space is required. There are many cities, towns, or counties that need no more than 1,000 cubic feet of records storage space. A records center of that capacity can be placed in a room about the size of a two-car garage."^[3] If your county likes the idea but still thinks it does not have a great enough need to justify the expense of a records center, consider doing something radical—co-operate with other local governments. If the county, the school system, and all the municipalities within a county worked together through an inter-local agreement to establish a records center, costs would be spread among them and enough inactive records should be found to justify establishing the records center.

The Rome/Floyd County Records Program (population 81,250) is an excellent example of a cooperative venture supported by four Georgia local governments. This innovative records management program serves Floyd County, the city of Rome, and two school districts (Rome city schools and Floyd County schools). Each government partially funds the program. Service features included a records center with a capacity for 18,000 cubic feet (providing for records transfer, reference, selected microfilming, and records disposal) and technical assistance (a records management officer) on the proper management of records. These four local governments by combining resources to create a professional program which none could individually afford achieve most of their essential records management goals. All records placed in the records center still remain the property of the respective originating governments, however. The program has received the National Association of Counties achievement award, and it saved more than \$68,000 for the four local governments in 1990.^[4]

If your county wants more information about starting a records center, including exactly what sort of space, equipment and organizational procedures are recommended for operating the center, contact the [Archives Development Program at the Tennessee State Library and Archives](#) or consult a publication

entitled *A Guide for the Selection and Development of Local Government Records Storage Facilities*, published by the [National Association of Government Archives and Records Administrators](#). While concerns regarding improper storage conditions are magnified the longer a record is kept and are therefore more crucial in an archive than a temporary records storage center, environmental concerns should not be ignored for records centers. These recommendations are a useful resource for considering both the creation of a records center facility and evaluating any current storage space you are using for records. The idea of setting up a records center is closely connected to setting up a local archives. Many of the same concerns apply to both, but they serve different functions and tend to be frequented by different groups. A comprehensive records management program will benefit from planning that considers and incorporates both concepts.

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2. [1] *A Guide for the Selection and Development of Local Government Records Storage Facilities*, p. 4.
4. [2] *A Guide for the Selection and Development of Local Government Records Storage Facilities*, p. 11.
11. [3] *A Guide for the Selection and Development of Local Government Records Storage Facilities*, p. 11.
- [4] *Managing Records on Limited Resources—A Guide for Local Governments*, Stephen E. Haller, CRM, issued by the National Association of Government Archives and Records Administrators, November 11, 1991, p. 10.

Establishing Archives

Reference Number: CTAS-1211

In addition to, or in conjunction with setting up a records center, your county should consider establishing a county archives if one is not already in existence. An archives differs from a records center in that the records center generally keeps inactive records for a temporary time period before their final disposition. A records center will primarily be used by the officials and employees who created the records that are stored in the center as some need requires them to retrieve older inactive records. An archives is usually dedicated to preserving records of such historical value that they should be maintained permanently. The two may be located in the same facility and virtually indistinguishable to the public, or they may be separately located and operated facilities. An archives provides many of the same benefits as a records center, namely, removing records that are not regularly used by an office from expensive and cluttered office space and providing proper storage conditions for the records. An archives also serves an important role in preserving the history of our country and our communities and provides a valuable resource for members of the community researching our past. More likely, these private researchers will access the records of a county archives more often than county employees. By providing another location for this research, the archives indirectly helps county officials by allowing them to refer genealogists, students, and other researchers to another office rather than diverting time and effort from their daily tasks to assist those people in accessing the older, historical records of the county.

Sample Resolution to Establish a County Archives

Specifications

Since the primary purpose of the archives is to preserve records permanently, the environmental conditions for the archives are even more important than those for a record center. The following considerations for archival space are recommended by the Tennessee State Library and Archives.^[1]

Archives Storage and Management Space

Archival standards should be met so as to preserve local archives for future use. The closer local archives come to meeting these standards, the more likely it is that the records will survive.^[2]

- Distinctly exclusive space—An entirely separate building is desirable, but not essential, and some counties may not be able to afford it. In an existing building, a separate, exclusive space that can be secured from unauthorized entry and that meets the following general specifications is the minimal requirement to assure proper maintenance. The space should not be combined or confused with any other use.^[3]
- A strong, durable building that is earthquake-resistant and storm-resistant—Heavy (e.g. masonry and steel) construction is desirable, not only to resist storm and earthquake damage, but also to help meet the other standards, below with greater economy of operating costs.

- Secure against theft and other hostile intrusion—A safe and secure locking system for the space is highly desirable. Entry to and exit from the space should be controlled by official staff so that patrons are not free to come and go without surveillance, so as to assure that documents will not be stolen or removed inadvertently without proper authorization.
- As damp-proof as possible with a consistently moderate relative humidity—The best relative humidity for archival materials is a constant RH of 45–55 percent; excessive ranges and changes in humidity tend to speed up deterioration of archives materials. Leaky roofs, walls, and foundations that invite seepage and mold are natural enemies of archives. The site of the archives space should be chosen to protect it from flooding, either from nearby rivers or from excessive ground-water during heavy rains. Care should be taken to see that water pipe systems that serve the space are sound and leak-free.
- Consistently moderate temperature—The best temperature for archival materials is a constant temperature between 65 and 70 degrees Fahrenheit. Excessive ranges and swings of temperature tend to speed up deterioration of archival materials.^[4]
- Free of pollutants—As much as possible, air circulation systems should be filtered to remove contaminating acids, dust, and other air-borne dangers to archives materials.
- Free of biological pests—As much as possible, the archives should be protected against and free from insects, rodents, mold, and other biological dangers to records.
- Free from ultra-violet light—As much as possible, sunlight and other sources of ultra-violet light, such as fluorescent tubes, that tend to damage film and paper documents must be excluded from the archives by shielding and filtration.^[5]
- Fire-proof—To the greatest extent possible, construction materials should be of masonry, steel, and other fire-retardant or fire-resistant materials. Care should be taken to see that heating and electrical systems that serve the space are not likely to cause accidental fires.
- Protected by a reliably-tested fire suppressant system—The most commonly-advised system is a reliable water sprinkler system with proper drainage for the water to be eliminated readily. Desirable fire protection includes rapid response by local fire fighting teams and briefing and orientation of local fire departments by local government officials on the nature of the archives and the need to preserve the content materials.^[6]
- Shelves and other containers should meet archival specifications—Shelving should be of strong, baked enamel steel construction.^[7] Enough space should be left between shelves, for convenient access and to inhibit fire migration. Shelves should be deep enough so that there is no overhang of boxes. Oversize materials (such as engineering drawings) should be in oversize shelving or metal cabinets.
- Foldering and boxing of records—To the extent possible, records should be kept in acid-neutral paperboard boxes and folders (available from archival suppliers). This often requires removing records from original folders and boxes to new ones and labeling the new containers.
- Disaster plan—A well-devised disaster plan for actions to take in case of fire, flood, water leakage, earthquake, theft, bomb-threats, or other dangers to archives should be written. There are good models of disaster plans already in existence. Local archives can acquire one of these and adapt it to local conditions.^[8] Archives staff should be trained in its provisions and should know what to do in any emergency.

Technical Assistance

The Tennessee State Library and Archives is making an active effort to encourage the development of local and regional archives across the state. It is an excellent source of technical assistance and advice in developing an archives. The Tennessee State Library and Archives has produced a series of [Tennessee Archives Management Advisories](#) that provide a wealth of information on a number of topics.

[1] These recommendations are from the Tennessee Archives Management Advisory (TAMA) 99-004 Basic Archives Management Guidelines, p. 5.

[2] More detailed standards are available from the Tennessee State Library and Archives.

[3] In the past, some people have regarded archives as “dead” storage and put valuable records into rooms with old furniture, cleaning equipment, fuel stores, or into fire-trap attics and basements with dirt, vermin and the like. That kind of negligence endangers the very evidence that public interest needs to save and protect.

[4] There are stricter archival standards, with narrower ranges of tolerance for ideal conditions. Some materials may also require slightly optimum temperature and humidity. However, these present standards are tolerable for local archives that do not have the resources for highly-sophisticated environmental control systems.

[5] Incandescent lights do not produce strong ultra-violet rays, but fluorescent lamps do and they must be shielded with ultra-violet ray filters if they are used.

[6] Much damage has been done to records when local fire-fighters treat archives as they would any other storehouse of replaceable goods.

[7] Wood is flammable and it often gives off gasses and oils that may damage archives.

[8] The University Library of Tennessee Technological University in Cookeville has a well-developed disaster plan that may be used as a model. Other models are available from TSLA and CTAS.

Disaster Preparedness

Reference Number: CTAS-203

Disasters. By their very nature, they are unexpected events. Severe weather, earthquakes, floods, or fire can strike anywhere at anytime with little or no warning. Disasters can irreparably change individual lives, halt the normal commerce of business and industry, and, as the tornado in Montgomery County in 1999 violently demonstrated, disasters can even disrupt the operation of government.

With all the ancient and venerable courthouses still standing in our state, you might consider it a rare occurrence for county government offices to be seriously damaged. But consider this telling statistic: Tennessee's neighbor to the South, Georgia, has had more than 100 courthouse fires in the course of the history of that state.^[1]

The occurrence of disasters cannot be eliminated, but they can be prepared for and their impact can be lessened. Tragedies such as the devastation to downtown Clarksville by the tornado that struck there only highlight the importance of having a good disaster recovery plan in place. Even though a number of county offices were damaged or destroyed by the storm, they were able to recover, relocate, and return to providing services to the residents of Montgomery County in a remarkably short time. Their ability to do so was at least as attributable to planning, preparation, and procedures in place before the storm as it was by emergency responses after the fact.

In order to lessen the impact of a disaster, there are two things every county should do.

1. The county should develop a disaster contingency plan.
2. The county should institute a vital records protection program.

[1] *Protecting Records—A Guide for Local Governments*, by Harmon Smith, issued by the National Association of Government Archives and Records Administrators (published March 1992), p. 6.

Contingency Plans

Reference Number: CTAS-1212

Contingency plans should be detailed and instructive and address the specific needs of every office of county government. They should anticipate the various types of disasters your county might face. Response to a flood will be different from response to a fire or earthquake or tornado. In addition to furnishing officials and staff members with copies of the plan, duplicates of the plan should also be stored off-site in case of disasters of truly catastrophic proportions. The best recovery plan will do no good if the only copy is locked inside a file cabinet in an office that is burning down.

A good disaster contingency plan will

- Designate who is in charge of recovery operations and who will be working on recovery teams. It should include all necessary information for contacting these people at any hour of the day or night;
- Anticipate the types of disaster the county may face and provide basic instructions for the first responders to an emergency to ensure that everything possible is done to minimize damage and preserve the safety of individuals responding to the disaster (e.g. evacuation plans, directions for shutting off electrical current in case of a flood, locations of shut-off valves in case of a broken water line);

- Include an inventory of supplies and equipment that are available for use in salvage efforts. The inventory should identify locations of important supplies and equipment—everything from heavy machinery to fire extinguishers to mops and buckets;
- Identify alternative office space and other facilities which might be used if the county needs temporary space for relocation or salvage operations;
- Include current contact information for experts in emergency management like TEMA, FEMA, and other governmental entities, plus commercial entities that can provide expertise in recovery and salvage if the disaster is too large for the county to handle by itself; and
- Have a plan for acquiring replacement office equipment and supplies quickly and efficiently. This will be especially essential if computer equipment was damaged in the disaster.

Vital Records Protection

Reference Number: CTAS-1213

A companion to the disaster contingency plan is the vital records protection program. People can be evacuated; office space and supplies can be replaced. But the records of a local government are one of its most vital and vulnerable resources. If steps have not been taken to protect important records prior to a disaster, the resumption of regular operations after a disaster will be far more difficult and costly.

Whereas a contingency plan will provide instructions on how to respond immediately after a disaster, a vital records protection plan will inform government offices on the ongoing steps that should be regularly practiced in order to preserve the important information of the office. Records protection plans will vary depending on the volume and format of the records to be protected, the resources available to the county, and the technology present in offices. Any plan should, at a minimum, provide procedures for identifying, duplicating, and safeguarding vital records.

No office can afford to expend the amount of resources it would take to ensure the protection of every record in the office. For that reason, it is important to determine which records are truly vital and which are not.

Records management experts have divided records into four classes—

1. Nonessential records - those that if lost would not really be missed. Most convenience files, internal memos, and many routine papers of completed transactions fall into this category.
2. Useful records - records containing information which if lost would cause some difficulty but which could be easily replaced.
3. Important records - those records that cannot be dispensed with and that can be replaced only through the expenditure of substantial time, money, or manpower.
4. Vital records - those records which are essential and cannot be replaced. Vital records contain information essential to the continuity of operations or to the protection of the rights of the government or of individual citizens.^[1]

Begin by protecting those records that are indispensable. Since you cannot anticipate and prevent every possible disaster, the best course of action is to make sure there are off-site archival quality^[2] copies of the county's most important records.

If some records are stored in electronic format, state laws require that certain back-up procedures are followed to prevent loss of data. For obvious reasons tape or disk backups of electronic data should not be stored in the same location as the computer system itself. While less fragile than electronic records, paper records and microfilm also must be properly stored and cared for in order to prevent destruction of the records in the event of a disaster or from the ravages of time. Wherever possible, a county should archive its permanent records in a location or facility that is designed for records preservation.

If you need assistance in developing these plans for your county, both CTAS and the Tennessee State Library and Archives can help. Copies of disaster contingency plans and other publications on records protection are available upon request from Tennessee State Library and Archives.

Recovery of Stolen or Misappropriated Records

While it usually does not reach disastrous proportions, there are also certain human behaviors that you need to be prepared to respond to. If records are inappropriately removed from the office where they belong, the official who has custody of the records is not without remedy. Of course, criminal theft charges can be brought against someone who steals county documents. But what may prove to be a more practical remedy is to pursue an action to recover personal property.^[3] This action, also known as replevin, is a judicial proceeding whereby property that is in the wrong hands can be returned to the

rightful owner or custodian. It is initiated by filing a complaint in the circuit or chancery court or by causing a warrant to issue in the general sessions court.^[4] Ultimately, the proceeding may result in the issuance of a writ of possession that directs the proper officer to take the property from the defendant and return it to the plaintiff.^[5] If you need to pursue such an action to recover misappropriated county records, contact the county attorney.

[1] *Protecting Records—A Guide for Local Governments*, by Harmon Smith, issued by the National Association of Government Archives and Records Administrators (published March 1992), p. 3.

[2] According to the Tennessee State Library and Archives, the only media that will assure long-term survival of vital records are carbon-based ink on acid neutral paper and archival quality silver gelatin microfilm created and kept under conditions that meet archival standards. See Tennessee Archives Management Advisory 99-07.

[3] See T.C.A. §§ 29-30-101, *et seq.*

[4] T.C.A. § 29-30-103.

[5] T.C.A. § 29-30-107.

Retention Schedules

Reference Number: CTAS-202

The County Technical Assistance Service, in cooperation with the Tennessee State Library and Archives and the Division of Records Management, is authorized to publish schedules which are to be used as guides by all county public records commissions, county offices, and judges of courts of record in determining which records should, can, and may not be destroyed. T.C.A. § 10-7-404. Those schedules are called the Retention Schedules. The retention schedules describe more than 650 different records series for multiple county offices. This material is organized by county office and by subject. Obviously CTAS recommends that all county public record commissions adopt these schedules as the basis for determining the disposition of county records in their county. When the schedules were developed, they were reviewed and revised by the legal and technical staff of CTAS, by the Division of County Audit in the office of the comptroller, by representatives of the Tennessee State Library and Archives and the Division of Records Management in the State Department of General Services, and by committees and groups of numerous county officials. The language of the statute says that county officials and records commissions shall use these schedules as "guides" in determining whether a record should be kept or destroyed. This does not mean that a County Public Records Commission can never deviate from the CTAS schedules. However, any decision to use a different retention period should be thoughtfully considered and the reasons well documented by the records commission. Any decision to destroy a record sooner than is recommended by the schedules certainly needs to be taken seriously. If your records commission decides that there is a significant reason why a record should be destroyed before the recommended retention period has elapsed, contact CTAS first to discuss the retention period and see if there is a reason why the recommended retention period in the manual should be shortened.

For additional information, see [Appraisal and Disposition of Records](#), Tennessee Archives Management Advisory.

Current Retention Schedules

Reference Number: CTAS-2068

Policy Statement

The Tennessee State Library and Archives (TSLA) is given authority by T.C.A. § 10-7-413 to review proposed destruction of county records and to take into the state archives such records proposed for destruction as may have historical research value. TSLA has reviewed and approved these retention guidelines prepared by the County Technical Assistance Service (CTAS).

Permanent Records.

With respect to records designated in these guidelines as "permanent," TSLA-

1. Concurs entirely with all guidelines herein that appraise records series to be of permanent value;
2. Reminds local governments that they are obliged by the provisions of T.C.A. § 10-7-503 to make such records permanently and consistently available for public inspection;
3. Advises that a county archives, which is an integral office of local government and responsible to

the local county mayor through the public records commission, is the most effective and economical means of doing this; and

4. Encourages local governments to establish, support, and maintain such archives.

In cooperation with CTAS and other agencies, TSLA has designated certain records as permanent based on their value as legal and historical evidence to document the collective experience of the citizens of the community. Such records should be retained and made available to the public in public archives in accordance with T.C.A. § 10-7-503.

Temporary Records.

TSLA has appraised for historical value the descriptions of temporary records series that are herein recommended for destruction at the ends of their retention terms. Because of the confidence we have in this review and in the guidelines, TSLA certifies that-

- Destruction of records in accordance with these guidelines may be authorized by local public records commissions;
- Public records commissions may issue continuing records disposition authorizations for routine disposals, so that local offices do not have to present repeated requests to the public records commission; and that
- Disposal may then proceed without further review by TSLA;

provided that

- (1) Local officials report all such disposals to the local public records commission;
- (2) The local public records commission certifies to the county mayor that destruction has been authorized in accordance with these guidelines;
- (3) The certification cites the specific applicable guideline in each case of authorized destruction; and that
- (4) Local public records commissions consider carefully the needs of local historical and genealogical societies, consult with them, and upon their advice or request use the provisions of T.C.A. § 10-7-414(a) to authorize transfer of records otherwise scheduled for destruction (e.g. marriage bonds or court case files) to the local historical society for retention and historical research.

In the interest of building and maintaining a strong sense of community history, TSLA further encourages local public records commissions, executives, and legislative bodies to provide material and financial support for the local preservation and public inspection of such transferred records in accordance with T.C.A. § 10-7-414(c).

Questions about the possible disposition of county records and the establishment of a county archives and records program for the preservation of permanent value records can be referred to-

Tennessee State Library and Archives
403 7th Avenue North
Nashville, Tennessee 37243
(615) 741-2764

Accounting, Purchasing and Other Miscellaneous Records

Reference Number: CTAS-2063

Accounting and Purchasing Records and Other Miscellaneous Records. The records included in this schedule are not office specific. Many of these records will be found in every "fee" office, i.e. those offices that regularly receive money for the county, maintain bank accounts for depositing these monies, and keep track of the accounting of these funds for a period of time before they are transferred to the trustee or forwarded to the state. Depending on whether or not your county has a centralized purchasing office, individual offices may also have records of purchases, requisitions, files regarding bids, and contracts related to certain purchases. Therefore, the fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. Records will also differ from county to county based on whether the county is using a warrant-based system or a check-based system. Also included in this schedule are various miscellaneous records such as correspondence files, travel authorizations, etc. Finally, certain records of departments that may operate independently or may operate under the supervision of different county officials in different counties are also included in this schedule.

Retention Schedule for General Accounting and Purchasing Records

Description of Record	Retention Period	Legal Authority/Rationale
15-001 Accounts Paid Files and Ledgers — Paid invoices filed by vendor showing company, date, amount, date paid, and warrant number. Ledgers show name of vendor, amount of each invoice, amount paid on each account, and amount outstanding.	Retain five years after creation, then destroy.	Keep for audit and review purposes (T.C.A. § 10-7-404(a)).
15-002 Autopsy Reports — Copies of medical examiner's investigative reports and autopsies.	County medical examiner should maintain one copy permanently. All other copies in other county offices may be treated as working papers and destroyed once the office no longer needs them.	Important investigative and historical record.
15-003 Bank Deposit Books —Bank books showing name and location of bank, information about accounts and amounts and dates of deposits.	Retain five years after last entry, then destroy.	Keep for audit purposes as directed by the Comptroller (T.C.A. § 10-7-404(a)).
15-004 Bank Deposit Slips —Slips showing name and location of bank, amount, and date of deposit.	Retain five years after last entry, then destroy.	Keep for audit purposes as directed by the Comptroller (T.C.A. § 10-7-404(a)).
15-005 Bank Statements —Statements showing name and location of bank, amounts and dates of deposits, amounts and dates of check withdrawals, and running balance.	Retain five years, then destroy.	Keep for audit purposes as directed by the Comptroller (T.C.A. § 10-7-404(a)).
15-006 Bids, Successful (on Equipment and Supplies) —Records showing bidder's name, complete description of item(s), delivery date, amount of bid, and any correspondence with the bidder.	Retain seven years after contract expires, then destroy.	Based on statute of limitations for legal action based on breach of contract (T.C.A. § 28-3-109).
15-007 Bids, Unsuccessful (on Equipment and Supplies) —Records showing bidder's name, complete description of item(s), delivery date, amount of bid, and any correspondence with the bidder.	Retain for one year after audit unless the county is operating under the purchasing provisions of the County Purchasing Law of 1957 .	Keep for audit purposes as directed by the Comptroller (T.C.A. § 10-7-404(a)). [T.C.A. § 5-14-108(g) - If under the 1957 Law.]
15-008 Bonds, Records of	See retention schedule for county mayor, number 3	
15-009 Building Plans —Blueprints and specifications for all county owned buildings.	Permanent record. Consider donating to archive once building is destroyed or no longer possessed by the county.	Need for maintenance and operation of physical plant during the life of the building (plus additional time if litigation could arise from a building's early demise). Historical record for both existing and demolished structures.
15-010 Canceled Checks —Canceled checks showing date check issued, name of bank on which drawn, check number, to whom payable, purpose of payment, amount of check, and date canceled.	Retain five years, then destroy.	Keep for audit purposes as directed by the comptroller. (T.C.A. § 10-7-404(a)).
15-011 Cash Books and Cash Journals (any office other than Trustee) —Record of receipts and disbursements of the office, showing date of entry, amount, source of receipt or purpose of payment, amount of debit or	Retain 10 years, then destroy.	Comptroller's office considers this record important for demonstrating patterns in investigations of mis-appropriation of funds (T.C.A. § 10-7-404(a)).

Retention Schedule for General Accounting and Purchasing Records

Description of Record	Retention Period	Legal Authority/Rationale
credit, and name of account, person, or case credited.		
15-012 Check Books —Books containing stubs of checks issued by an official (if operating with a checking system) showing check number, date issued, name of payee, amount and purpose of payment.	Retain five years after date of last check, then destroy.	Kept for audit purposes as directed by the comptroller (T.C.A. § 10-7-404(a)).
15-013 Contracts —Contracts between county and contractors for services of miscellaneous types.	Retain seven years or until expiration of guarantees, then destroy. If no guarantees are involved, destroy seven years after completion of contract.	Based on statute of limitations for breach of contracts (T.C.A. § 28-3-109).
15-014 Correspondence Files —Correspondence with citizens and government officials regarding policy and procedures or program administration.	Destroy after five years. Before disposal appraise for continuing administrative usefulness or historical value.	Maintain for reasonable period of time in case of continued action related to the correspondence.
15-015 Facility Inspection and Maintenance Records —Records documenting inspection of and repairs or improvements made to county buildings and structures.	Retain five years.	Possible evidence in tort cases.
15-016 Fee Books —A record of fees collected by the fee official, showing date of collection, from whom received, on what account, style of case, and amount collected. This record is now obsolete.	Retain 10 years after clerk's tenure is broken, then destroy.	Keep for audit purposes as directed by the comptroller (T.C.A. § 10-7-404(a)).
15-017 Fixed Assets Inventory —Comprehensive inventory of all fixed assets.	Retain five years.	Keep for audit purposes as directed by the comptroller (T.C.A. § 10-7-404(a)).
15-018 General Ledger —Master summary accounting record of county receipts, disbursements, and fund balances of all county funds. This is the summary information, not the detailed transaction record (see below).	Permanent record	Keep for important audit and historical purposes.
15-019 General Ledger Accounts —Detailed record of all transactions on all county accounts, showing date of entry, amount, source of receipt or purpose of payment, amount of debit or credit, and name of account credited or charged.	Retain five years, then destroy.	Keep for audit purposes as directed by the comptroller (T.C.A. § 10-7-404(a)).
15-020 Grant Development and Proposal Files —Reports, planning memos, correspondence, studies and similar records created for and used in the development of grant proposals to state or federal agencies and contracts relating to the grant.	Keep all unsuccessful proposals for five years. Keep all records regarding grants that are received for life of grant plus seven years.	Unsuccessful proposals kept in case of appeal or for administrative use in re-application. Records on grants received kept based on statute of limitations for contract actions (T.C.A. § 28-3-109).
15-021 Insurance Policies —Policies insuring county and/or its departments against risk of loss.	Retain seven years after expiration or replacement by new policy, then destroy, provided all claims on the policy have been settled.	Based on statute of limitations for breach of contract actions (T.C.A. § 28-3-109).
15-022 Invoices	Refer to Accounts Paid Files and	Ledgers, above.
15-023 Leases and Agreements	Destroy seven years after	Based on statute of limitations

Retention Schedule for General Accounting and Purchasing Records

Description of Record	Retention Period	Legal Authority/Rationale
	completion or expiration of lease or agreement.	for breach of contract actions. T.C.A. § 28-3-109.
15-024 Minutes —Written accounts of the proceedings of boards, committees and commissions.	Permanent record.	Actions recorded in minutes are effective until superceded or rescinded. Also of historical value.
15-025 Minutes of Bid Openings —Record of bid openings showing item vendor, bid price and whether bid was successful.	Retain five years, then destroy.	Necessary in case of challenge to bid award.
15-026 Payroll Records	See separate retention schedule elsewhere in this manual.	for employment records
15-027 Purchase Orders	Keep five years after creation of record, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
15-028 Receipts and Receipt Books —Shows name, reason for payment, date, and account from which money came.	Retain five years after date of last receipt issued.	Keep for audit purposes as directed by the comptroller (T.C.A. § 10-7-404(a)).
15-029 Requisitions and Requisitions for Purchase —Records of requests for supplies, equipment and services in counties with centralized purchasing departments or offices.	Keep five years after creation of record, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
15-030 Travel Authorizations	Retain five years after creation of record, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
15-031 Unclaimed Funds, Record of —Record of funds in hands of official unclaimed for seven years and turned over to state, showing information about source of funds and amount.	Retain 10 years, then destroy.	Record kept for audit purposes and a reasonable period to allow interested parties to make inquiries.
15-032 Vehicle Maintenance Records —Record of repairs, service, etc. related to county owned vehicles.	Retain five years or life of vehicle, whichever is longer.	Keep for management purposes.
15-033 Warrants —Canceled warrants showing date issued, warrant number, amount of warrant, name of payee, and purpose of payment.	Retain five years, then destroy.	Keep for audit purposes as directed by the comptroller (T.C.A. § 10-7-404(a)).

Animal Control Records

Reference Number: CTAS-2064

Animal Control Records. The records included in this schedule are only those specific to a county operation related to animal control. Not all counties provide such services. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules elsewhere in this manual. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for the Animal Control Records

Description of Record	Retention Period	Legal Authority/Rationale
17-001. Activity Reports —Monthly reports showing the activity of the animal control operations.	Retain two years, unless there is no annual report. If no annual report, retain as permanent record.	Keep to aid in planning.

Retention Schedule for the Animal Control Records

Description of Record	Retention Period	Legal Authority/Rationale
17-002. Adoption Contracts —May include agreement to have animal spayed/neutered when it is 6 months old.	Retain four years.	Keep to show proof of ownership/ patterns of behavior on part of animal or owners.
17-003. Annual Reports —Annual reports showing the activity of the animal control operations.	Retain seven years.	Keep in case of need as evidence in litigation and for planning purposes.
17-004. Bite Reports —Documents investigations of dog bites.	Retain four years.	Retention period based on likely time of complaint or legal action.
17-005. Complaints, Record of —May contain date; time of complaint; complainant's name, address and telephone number; owner's name and address; animal's license number and details of problem.	Retain four years or until resolution of any litigation whichever is later.	Record may be used in litigation. Retention period based on statute of limitations for actions for injuries to personal property plus one year (T.C.A. § 28-3-105).
17-006. Controlled Substances, Log of	Retain three years.	TN Admin. Rule 1730-4-.09.
17-007. Dispatching Logs	Retain four years, unless legal action is pending. *Retain three years.	Retention period based on likely time of complaint or legal action.
17-008. Euthanasia Report —Must be kept for each animal euthanized; includes date, estimated age, breed, weight, sex, amount of euthanasia solution administered, and description of verification of death.	May want to retain four years if four year retention period adopted for other animal control records.	TN Admin. Rule 1730-4-.09.
17-009. Field Reports (Daily) —Report of officer's daily activities.	Retain one year.	Used to compile activity reports.
17-010. Impound Log —Log of all animals brought into the animal shelter and whether animal was adopted or euthanized.	Retain four years.	Keep as part of history of animals and owners and to track activity at shelter. Can be useful in returning lost animals to owners.
17-011. Rabies Certificate —Rabies vaccination is required by T.C.A. § 68-8-104. Certificates are forwarded to animal control by veterinarians.	Retain four years.	Keep to provide proof of vaccination and to facilitate return of lost animals to owners. Rabies vaccine lasts three years.
17-012. Return to Owner, Record of	Retain four years.	Keep to prove ownership of animal and assign liability to owner if the animal is ever in violation of ordinances or statutes.
17-013. Spay/Neuter Deposit, Record of —Deposit is required by T.C.A. 44-17-503 for every animal not already spayed or neutered that is adopted from an animal shelter.	Retain four years.	Keep as part of history of animals and owners.
17-014. Surrender of Animal, Record of	Retain four years.	Keep to defend against liability for taking animal. Based on statute of limitations for offenses against property plus one year.

Assessor of Property Records

Reference Number: CTAS-2049

Assessor of Property Records. The records included in this schedule are only those specific to the office of the assessor of property. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention

schedules in this manual. Included in this table is a listing of “obsolete” records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the disposition of the record and so we can make note of that record’s existence to include it in future revisions of this manual.

Retention Schedule for Assessor of Property

Description of Record	Retention Period	Legal Authority/ Rationale
01-001 Aerial Photographs —Aerial photographs of flyovers. Negatives may be available at the State Department of Transportation’s photographic lab.	Retain in office for one year after replacement by a newer, more current aerial photograph and one year after next re-appraisal. Older generations of photographs may be removed from the office and transferred to an archives or library within the discretion of the County Public Records Commission but should not be destroyed.	Keep for operational purposes through correction period and greenbelt re-certification to cover appeal period. This record series has a high historical and archival value and should be preserved for those reasons, although it is not necessary to maintain the older records in the assessor’s office.
01-002 Appeals and Reports to the State Board of Equalization and Court Appeals —These records consist of notice of hearing, name of property owner, appeal from county board of equalization, assessment, address, and time and place of hearing. Also included in this group of documents are documents involving appeal to the courts.	Retain two years after final disposition of case, then destroy. NOTE: A copy of all appeals should be kept by the State Board of Equalization also.	Keep to make certain the ruling is properly applied and that all parties understand the final determination of the issue.
01-003 Application for Classification of Real Property under the Agricultural Forest and Open Space Land Act (Greenbelt) —Prior to May 1999, this record series also includes re-certifications on farmland (Approved application are also retained in the register of deed’s office).	Retain four years, then destroy.	Retention period based on three year period of liability for rollback taxes.
01-004 Assessment Exemptions, Applications for —Copy of applications showing property owner’s name, address, ward or district, date acquired, lot size or acreage, value, how property used, other purposes to be used for, signature of applicant, and notarization.	Retain copy of approved applications until two years after exemption expires, then destroy. Retain rejected applications for two years, then destroy.	Keep for audit purposes of the State Board of Equalization.
01-005 Assessment Rolls —Record of all assessments on real and personal property, showing name of taxpayer, civil district or ward, location and description of property, assessed valuation, date of assessments, acreage of farm land, and number of town lots.	Retain three years, then destroy.	Retention based on time period for corrections and rollback issues. This record is stored for a longer term with the trustee.
01-006 Board of Equalization Minutes and Reports —Daily record of proceedings of the board in regular session, showing date of	Retain 12 years.	T.C.A. § 67-5-1414 states that these records shall be kept for at least 10 years. It

Retention Schedule for Assessor of Property

Description of Record	Retention Period	Legal Authority/ Rationale
meeting, names of members present, and petitions for adjustment of tax assessments of personal and real property, showing the name of petitioner, amount of original assessment, recommendations of the board, and date of adjustment, if made.	Retain one year after assessment, then destroy.	is recommended that the records be kept 12 to cover the 2 year period before taxes become delinquent and the 10 year statute of limitations. These are used to find new construction. Once improvement is assessed, the record has no use.
01-007 Building Permits, copies of —Show name of owner, amount of money to be expended, type of structure, location, date, and name of contractor.	Retain one year after assessment, then destroy.	These are used to find new construction. Once improvement is assessed, the record has no use.
01-008 CAAS Cards (Computer Assisted Appraisal System) —Property record cards for rural, residential, industrial, commercial, and exempt property, giving information on ownership, assessment records, use or occupancy, construction date, age and condition, land description, sales and rental information, street improvements, utilities and services, topography, accessory buildings, improvements, valuations, notations, etc.	Retain most current card until a change is required to each parcel. Destroy obsolete cards when no longer of use to the office in accordance with regulations of the Public Records Commission.	Working paper. T.C.A. § 10-7-406(b). Property record cards are now a permanently retained type of record along with implementation of the state's online data base system.
01-009 Certificates of Public Utilities Tax Valuations by Office of State Assessed Properties, copy of —Tax roll listing total assessment of public utilities in the county by the office of state assessed properties.	Retain annual assessments one 1 year, then destroy. Original is filed with trustee and state office maintains the record.	This record is like a tax roll for public utilities that are assessed by the state.
01-010 Correctional Book or File (Also includes proration book) —Files of copies of letters of corrections sent to the Trustee wherein corrections are made on the tax roll and corrections where property has been transferred and a proration of tax between the transferror and the transferee is made. This documentation includes the reason for the correction, the nature of the error.	Retain three years, then destroy. Original is on record in the trustee's office.	Retention period based on correction period for property taxes.
01-011 Deeds, Copies of —Copies of warranty deeds used by assessor in determining ownership, property boundaries, location, etc., of property.	Destroy when obsolete or when purpose of retention has been served.	Working paper used only for deed transfers. T.C.A. § 10-7-406(b). Also filed permanently with register.
01-012 Field Books (a.k.a. Mini-maps, Mapping) Plats and notes used for location of property to be assessed, showing owner's name and assessed valuation.	Destroy when obsolete or when purpose of retention has been served in accordance with rules of the Public Records Commission.	Working paper. T.C.A. § 10-7-406(b).
01-013 Income Expense Records	Keep until next re-appraisal.	Term of retention based on appraisal cycle for the county.
01-014 Maintenance Log of All Property Transfers —Form CT-007 used to record all transfers and sales. This form should be in continuous use.	Retain for five years, then destroy.	Valuable record for checking property transfers.
01-015 Maps, Soil Delineation and Land Value —	Retain in office until newer, more current information is available, and until next re-appraisal. Older generations of maps may be removed from the office and transferred to an archives or library within the discretion of	In-office retention period based on re-appraisal cycle for the county. This record series has a high historical and archival value and should be preserved for those reasons, although it is not necessary to maintain
Land grade maps.		

Retention Schedule for Assessor of Property

Description of Record	Retention Period	Legal Authority/ Rationale
01-016 Ownership Maps and Index, Rural and Urban —These maps reflect the status of real property as of January 1 of each year.	the county public records commission but should not be destroyed. Retain only current and one previous generation of ownership maps and indexes. Older generations of photographs may be removed from the office and transferred to an archives or library within the discretion of the county public records commission but should not be destroyed.	the older records in the assessor's office. Useful in office for tracking property changes and as evidence in challenges to tax sales. This record series has a high historical and archival value and should be preserved for those reasons, although it is not necessary to maintain the older records in the assessor's office.
01-017 Personal Property—Audit Records Supporting information and documentation for audit. Note: Except for the return schedule and assessment, the rest of this record series must be kept confidential and should be stored separately.	Retain for four years after assessment roll is complete, unless tax is subject of appeal to board of equalization or courts. Do not destroy until any such appeal is exhausted.	Retain in case of forced assessments.
01-018 Personal Property— Record Cards and Tax Schedule Forms —Cards show business name, property location, type of business, map, group and parcel number, business code, mailing address, tax year, date schedule furnished, date schedule returned, date audited and assessed, assessment ratio, property value and type of assessment.	Retain for four years after assessment roll is complete, unless tax is subject of appeal to board of equalization or courts. Do not destroy until any such appeal is exhausted.	Retain in case of forced assessments.
Tax schedules show firm or trade name, business location, owner(s) of business, tax billing address, map, group and parcel number, assessment date, due date, property description, year, cost and value, leased property data, and assessor's calculations.		
01-019 Property Transfers, Record of (Ledgers) —Show date, grantee, grantor, description of property, district, acreage, assessed valuation, consideration, deed book and page number. Similar to maintenance log.	Retain five years, then destroy.	Valuable record for checking property transfers.
01-020 Sales Verification Forms —Form shows owner's name, address, location of property, lot size or acreage, subdivision name, date, etc.	Keep till next re-appraisal.	Retention period based on re-appraisal cycle for that county.
OBSOLETE RECORDS		
01-021 Data Processing Tapes —File record of all the essential assessment information in the county. Information kept in different format now.		Destroy (obsolete record).
01-022 Date Take Off Forms, for Comparable Sales —Form shows date, location, subdivision, date acquired, sale price, type or use, zoning, number of rooms or units, annual income from, square footage, land, improvements, and total appraisal.		Retain three years, then destroy (obsolete record).
01-023 Date Take Off Forms, for Updating —Form shows owner's name, address, location of property, lot size or acreage, subdivision name, date, whether new parcel or update, etc.		Destroy (obsolete record).
01-024 Merchant's Ad Valorem Tax Ledgers —Show firm name, business address, assessed value, amount of tax, penalty, penalty, total, date due, delinquent date, date paid, and bill number.		Destroy (obsolete record).

Retention Schedule for Assessor of Property

Description of Record	Retention Period	Legal Authority/ Rationale
01-025 N.A.L. Cards (Name, Address, Legal Description Cards) —These data processing cards contain information such as property owner's name, address, acreage, lot size and number, zone, acquisition date, appraisal, subdivision name, house number, etc.		Record is eligible for destruction, however, the information in this record series can be useful (obsolete record).
01-026 Petitions for Review of Assessment —Petitions for assessment review showing date, owner's name, address, phone, type of property, residential data, income information, date on apartments, agricultural lands, reasons why assessor is in error, etc.		Destroy (obsolete record).

Circuit and Criminal Court Records Retention Schedule

Reference Number: CTAS-2052

Circuit and Criminal Court Records. The records included in this schedule are those for the offices of the Circuit and Criminal Courts, and, to a lesser degree, the General Sessions Courts. They are divided into different sections based on the type of record. Other records specific to the General Sessions Court and Juvenile Court are found in separate schedules in this manual. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. Included in this table is a listing of "obsolete" records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. This is particularly true of court records which may vary according to local rule and practice and especially confusing concerning the varying forms of docket books that courts may have utilized over the years. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for Circuit and Criminal Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
A. Civil Action Files		
04-001 Briefs —Statements of the case, legal theory and arguments for a party in a case.	Maintain for three years after final disposition of case, then notify parties and destroy.	T.C.A. § 18-1-202(b).
04-002 Civil Actions, Record of —All original process and rules, pleadings, judge's opinions and orders, if any, in each civil case.	Permanent record.	T.C.A. § 18-1-202(a).
04-003 Discovery Records, Civil Cases —Interrogatories, depositions and other legal devices to obtain information concerning a case prior to trial.	Maintain for three years after final disposition of the case, then destroy after notice is given to parties.	T.C.A. § 18-1-202.
04-004 Doctor's Depositions in Worker's Compensation Cases	See Trial Exhibits and Evidence, below.	
04-005 Judge's Opinions —Statements by the judge of the decision reached in regard to a cause heard	Permanent record.	T.C.A. § 18-1-202(a).

Retention Schedule for Circuit and Criminal Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
before him relating the law as applied to the case and giving reasons on which the judgment is based.		
04-006 Summonses —A writ notifying a person that a court action has been commenced against him, and that he is required to appear on a day named and answer the complaint in such action.	Permanent record.	T.C.A. § 18-1-202(a).
04-007 Trial Exhibits and Evidence —Any documentary evidence and exhibits presented at trial that become part of the record of the case. For physical evidence, see T.C.A. § 18-1-206.	Retain 10 years after final judgment, then destroy unless local rule of court provides for a different retention period.	T.C.A. § 18-1-202(a).
B. Bonds		
04-008 Appearance and Bail Bond Records —Bonds and recordings of bonds executed by defendants and sureties showing defendant's name, name of person serving as surety, amount of bond, and signatures of the accused and sureties.		
04-009 Attachment and Injunction Bonds —Bonds executed in attachment and injunction cases insuring defendant against damages likely to occur as a result of wrongful suing, showing date of bond, names of principal and sureties, amount of bond, condition of the obligation, and signatures of principal and sureties.	Retain 10 years after final judgment, then destroy.	T.C.A. § 18-1-202(a).
04-010 Cost Bonds, Civil Cases —Bonds executed to insure payment of court costs, showing names of plaintiff and defendant, amount and date of bond, condition of the obligation, and signatures of principal and sureties.	Retain three years after final judgment, then destroy.	T.C.A. § 18-1-202(b).
04-011 Miscellaneous Bond Books —Receivers', indemnifying, appearance, cost, refunding, replevin, etc., bonds, showing names of principal and sureties, style of case, amount and date of bond, condition of the obligation, and signatures of principal and sureties.	Retain 10 years after release, replacement or expiration of all bonds in book, then destroy.	T.C.A. § 18-1-202(a).
04-012(a) Prosecution Bonds —Bonds executed by persons instituting suits in circuit and criminal court, by virtue of which they assume all responsibility of judgment and costs that may be taxed to them, show	Retain 10 years after final judgment, then destroy.	T.C.A. § 18-1-202(a).
04-012(b) Bondsman Reports - Reports from bonding companies under T.C.A. § 40-11-303.	Retain 10 years, then destroy.	Keep record for audit purposes and a reasonable period to allow Judge to investigate bondsmen.
C. Criminal Action Files (See also Process, Court Orders, Writs, Etc.)		
04-013 Criminal Actions, Record of —All original process, case papers and documents in criminal cases, including judge's orders, in both felony and misdemeanor cases.	Permanent record.	T.C.A. § 18-1-202(a).
04-014 Detainer Warrants —Instrument authorizing the keeper of a prison to keep a person in custody. Shows name of person in custody, length of time to be detained, and signature of issuing official. Exception: Records of DUI offenses.	Retain 10 years, then destroy; however, records of DUI convictions should be kept 20 years.	T.C.A. § 18-1-202(a) T.C.A. § 55-10-403(a)(3) allows for prior DUI convictions up to 20 years before an offense to be used to enhance sentencing as a multiple offender.
04-015 Indictments or Presentments by Grand	Permanent record.	T.C.A. § 18-1-202(a).

Retention Schedule for Circuit and Criminal Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
Jury— These records show name of defendant, return date of indictment, and nature of offense charged therein.		
04-016 Recordings of Criminal Proceedings— Verbatim recordings of preliminary hearings entry of plea by the defendant as required by Tenn. Rules of Criminal Procedure, Rules 5.1 and 11.	Retain 10 years after final judgment and exhaustion of appeals, then get court order to authorize destruction.	T.C.A. §§ 18-1-201 and 18-1-202(a).
04-017 Summons, Criminal— A writ notifying a person that a criminal proceeding has commenced against him and that he is required to appear in court at a stated time and place.	Permanent record.	T.C.A. § 18-1-202(a).
D. Dockets [NOTE: Dockets are kept in varying formats in different courts. Not all of the following dockets may be found or kept in your court. Much of the information may be combined into one docket or maybe be kept electronically pursuant to T.C.A. § 10-7-121. Except for Mental Health and Adoption Dockets, most other dockets may now consolidated into a single docket. The fact that separate listings are given for dockets below does not mean that these records must be kept separately.]		
04-018 Alimony and Child Support Dockets/ Ledgers— Docket/ledger shows date alimony or child support paid to court clerk, date paid out by him or her, name of person to whom paid, and amount.	Retain 25 years after last entry, then destroy.	Retention period based on period of dependency of minor.
04-019 Appeal Dockets— Record of cases going to appellate courts showing style of case, date, and ruling of the court; may show court costs.	Retain 10 years after last entry, then destroy.	T.C.A. § 18-1-202(a).
04-020 Appearance and Rule Dockets— Record of first appearance of all causes in court, showing date filed, names of attorneys, style of case, security, and action taken.	Permanent record.	T.C.A. § 18-1-202(a).
04-021 Bar Dockets (aka Hearing Dockets, Trial Dockets, or Judge's Docket Sheets)— A record prepared for the use of the judge, clerk and bar, listing all cases set for trial in court, showing date of court term, case number, names of attorneys, plaintiff, defendant, date case filed; may also show page and volume number or recordation in minute book. This is basically a working paper, but may have record value in some counties.	As long as the information in this record series is found in other records which are retained for 10 years, these are considered working papers records and may be destroyed when no longer useful.	T.C.A. § 10-7-406(b).
04-022 Delinquent Tax Docket Book— Record of property taken over by the county, showing description of all properties sold at a tax sale, whether redeemed or not, by whom redeemed, amount of taxes, date, and decree of court relevant to property.	If the county maintains this information in this format, retain as a permanent record.	These records could have bearing on land title and therefore need to be maintained.
04-023 Execution Dockets and Indexes— A financial record of cases tried, style of case, nature of action, amount of judgment and cost, and amount and date paid.	Permanent record.	T.C.A. § 18-1-202(a).
04-024 Grand Jury Dockets— Docket shows name of defendant, offense charged, and date of indictment or no true bill.	Retain 10 years, after last entry, then destroy.	T.C.A. § 18-1-202(a).
04-025 Motion Dockets— Docket shows names of plaintiff and defendant, date motion filed, nature of motion, and remarks.	As long as information in these records is found in other records which are retained for	T.C.A. § 10-7-406(b).

Retention Schedule for Circuit and Criminal Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
	10 years, these are considered working papers and may be destroyed when no longer useful.	
04-026 Rule Dockets and Indexes — A record of original processes issued and filed incident to cases tried in court, showing number of case, date and hour filed, names of complainant, respondent, and solicitors; also date and nature of process, names of bondsmen, date process served, note of officer's return, and rules and orders of the court.	Permanent record.	T.C.A. § 18-1-202(a).
04-027 Worker's Compensation Dockets —Docket shows name of person applying for compensation, date of application, date and amount of judgment, and accrued costs.	Permanent record.	T.C.A. § 50-6-225.
E. Financial Records —The disposition schedule for many of the financial records of the court can be found in schedule number 15 in this manual, entitled General Accounting and Purchasing Records. The items included below are those financial items unique to the office of the court clerk.		
04-028 Bills of Costs —Bills of costs submitted for payment showing names of plaintiff and defendant, date of initial action, items of cost, amount of each, date process issued, signature of official issuing warrant, date filed with court for trial, clerk's certification, date judgment paid, and number of warrant issued in payment.	If information in this record series is found elsewhere, destroy when no longer useful. If information is kept electronically, keep paper records five years. Retain 25 years after last entry, then destroy.	Working paper that can be destroyed in accordance with rules of the Public Records Commission (T.C.A. § 10-7-406(b)). Five year retention period is based on audit requirements (T.C.A. § 10-7-404(a)). Keep for audit purposes (T.C.A. § 10-7-404(a)).
04-029 Case Ledgers —Record of case funds received and distributed.		
04-030 Fee Reports —Reports of fees collected by the clerk showing date of report, date of collection, from whom received, purpose of payment, date of report, and signature of clerk. This record is now obsolete.	Retain 10 years after clerk's tenure is broken, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
04-031 General Account Ledgers (refer to execution docket) —Ledger accounts of funds received from sales of property in settlement of estates, alimony payments, and payments of judgments and court costs; money distributed by the clerk showing style and number of case, date of collection, name of person from whom received, and amount; date of payment, name of payee, number of check issued, and amount; may show cash book and page number from which entry was posted.	Permanent record.	May have bearing on land title.
04-032 Payroll Records	See separate retention schedule in this manual for employment records.	
04-033 Receipt Books, Delinquent Tax —Duplicates of receipts issued for payment of delinquent taxes, showing receipt number, date issued, name of taxpayer, amount, year of assessment, district number, number of acres of farm land, number of town lots, valuation, personal property valuation, amounts of state and county taxes, interest, penalty, and total amount of	Retain 10 years after issuance of last receipt, then destroy.	T.C.A. § 18-1-202.

Retention Schedule for Circuit and Criminal Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
<p>payments.</p> <p>04-034 Unclaimed Funds, Record of—Record of funds in hands of clerk unclaimed for seven years and turned over to state, showing style of case, case number, respondent, and amount.</p>	Retain 10 years, then destroy.	Keep record for audit purposes and a reasonable period to allow interested parties to make inquiries.
F. Index Books		
<p>04-035 Divorce and Adoption Cases, Index—Indexes to original divorce and adoption cases, showing names of parties, style of case, case number, and file container in which record is filed. Note: Record series may contain confidential information.</p>	Permanent record.	Necessary for use of other permanent records.
<p>04-036 General Index—Index to all original case papers, showing file number and names of complainant and respondent.</p>	Permanent record.	Necessary for use of other permanent records.
<p>04-037 Hospital Lien Index—Index for the hospital lien book, referencing patient's name and hospital or operator.</p>	Permanent record.	Necessary for use of other permanent records.
<p>04-038 Judgment Index Books (see Divorce and Adoption cases, Indexes)</p>	Permanent record.	Necessary for use of other permanent records.
<p>04-039 Minute Books and Indexes—Minutes show the course and proceedings in all cases from their origin to termination, giving name of defendant, offense charged, date of trial, verdict of jury, and sentence of the court.</p>	Permanent record.	Necessary for use of other permanent records.
G. Process, Court Orders, Writs, Etc.		
<p>04-040 Affidavit of Complaint—A written statement alleging that a person has committed an offense and alleging the essential facts instituting the offense charged made upon oath before a magistrate or court clerk.</p>	Permanent record.	T.C.A. § 18-1-202(a).
<p>04-041 Attachments on Personal Property—Writs issued during court action to seize the personal property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover.</p>	Retain 10 years after final settlement of case, then destroy.	T.C.A. § 18-1-202(a).
<p>04-042 Attachments on Real Property—Writs issued during court action to seize the real property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover.</p>	Retain 10 years after final settlement of case, then destroy.	T.C.A. § 18-1-202(a).
<p>04-043 Capias—The general name for several types of writs which require an officer to take the body of the defendant into custody; they are writs of attachment or arrest.</p>	Permanent record.	This record is in the nature of original process (T.C.A. § 18-1-202(a)).
<p>04-044 Criminal Citation—A demand that the defendant cited appear in court at a stated time to answer to a misdemeanor charge. The citation states the name and address of the person cited, the name of the issuing officer and the offense charged.</p>	Retain for 10 years, then destroy.	T.C.A. § 18-1-202(a).
<p>04-045 Executions—Writs or orders providing that</p>	Retain 10 years after	T.C.A. § 18-1-202(a).

Retention Schedule for Circuit and Criminal Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
an act or course of conduct be carried out.	issuance, then destroy.	
04-046 Fieri Facias —Court orders to levy execution on property, sell the same, and apply the proceeds to the satisfaction of judgments in court; shows names of complainant and respondent, description of property, and amount involved; an execution.	Retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
04-047 Garnishments —Process whereby defendant's property in possession or control of another is applied to payment of defendant's debt. Shows names of court, plaintiff, and defendant, total costs, and reporting date.	Retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
04-048 Habeas Corpus, Writs of —Writs issued to change the place of trial, to move from custody of one court to another, directing that a detained person be produced, etc.	Permanent record.	This record is in the nature of original process (T.C.A. § 18-1-202(a)).
04-049 Mittimuses —Commitments to jail, showing name of person committed, offense charged, name of prosecutor, amount of bail, date, and signature of clerk of the court.	Retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
04-050 Replevin Warrants (Writs of Possession) —Writs giving authority to recover goods or chattels claimed to be wrongfully taken or kept.	Permanent record when used as leading process (now obsolete), otherwise retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
04-051 Search Warrants —A written order issued in the name of the state and directed to a law enforcement officer commanding him to search a specific house, business establishment, or other premise for	Retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
04-052 Subpoenas —Copies of summonses to appear in court as witnesses in lawsuits, showing name of person summoned, day and hour to appear, in whose behalf, and signature of the clerk.	In criminal cases, retain 10 years, then destroy; in civil cases, retain three years, then destroy.	T.C.A. § 18-1-202(a)—(b).
04-053 Warrants —Writs issued in both civil and criminal cases requiring an officer of the law to arrest the person named therein and bring him before the court to answer charges of some offense which he is alleged to have committed.	Permanent record.	T.C.A. § 18-1-202(a).
Exception: Unserved Misdemeanor Warrants	Unserved misdemeanor warrants—five years	T.C.A. § 40-6-206.
04-054 Writ of Possession —A writ employed to enforce a judgment to recover possession of land.	Permanent record.	Could have bearing on land title.
H. Reports		
04-055 Audit Reports —Audit reports show name of office, fund or account, account of all receipts and disbursements, date of audit and signature of auditor.	Preserve permanently one copy of all audits.	Record has historical significance.
04-056 Delinquent Tax Collections Reports —Copies of reports made by the clerk to the cities, county, and state of tax collections in litigation, showing docket number, case number, names of complainant and respondent, amount collected, total, and date of report.	Retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
04-057 Grand Jury Reports —Record of grand jury actions, showing name of defendant, offense charged, until spread in	Retain 10 years and until spread in	T.C.A. § 18-1-202(a).

Retention Schedule for Circuit and Criminal Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
testimony of witnesses, whether indictment or no true bill is returned, and recommendations.	minutes, then destroy.	
04-058 Litigation Tax Reports —A record of all state and county litigation taxes collected by the clerk showing number of cases and amount received.	Retain 10 years after last entry, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404).
04-059 Revenue Dockets or Reports —Record of reports to the county judge or county mayor of state and county revenue collected by the clerk and remitted to the trustee and state, showing date and source of collection, date reported, certification of clerk, and amounts of taxes, fees, and total. Receipts from trustee and state for funds received may be posted in these volumes.	Retain 10 years after clerk's tenure is broken, then destroy.	Keep for evidence in cases of misappropriation of funds.
04-060 Sale Books or Reports —Record of court land sales, showing name of court, style of case, location and description of property, by what process land was sold, date of sale, name of purchaser, and tax collected.	Permanent record.	Could have bearing on land title.
04-061 Special Commissioners Reports —Reports of special commissioners appointed when property is sold by court.	Permanent record.	Could have bearing on land title.
04-062 Worker's Compensation Payment Records	Retain 10 years after judgment in case, then destroy.	T.C.A. § 18-1-202(a).
I. Other Records		
04-063 Adoption Files —Petitions to the court for the adoption of children, all intermediate proceedings, and final decree of the court, showing, in addition to the text, name and address of petitioner, date of petition, name of child, names of parents or custodian of child, age, date of birth, sex of child, statement of financial status and character of petitioner, and signatures of petitioners, affiants, and judge. Note: Record series contains confidential information.	Permanent record.	T.C.A. § 36-1-111 Has historical value and potentially significant in inheritance issues.
04-064 Bastardy Proceedings, Records of —Original papers incident to proceedings in bastardy cases including warrants, bills of cost, bonds, and court decrees showing names of plaintiff and defendant, date of trial, nature and purpose of process, and signature of issuing officer.	Permanent record.	Has historical value and potentially significant in inheritance issues.
04-065 Bastardy Cases and Changes of Names, Records of —These records may include petition from subject or subject's parent or guardian seeking name change; also court order showing subject's name, sex, race, date and place of birth, file date, incorrect and correct information, date and signature of judge and acknowledgment of clerk.	Permanent record.	Has historical value and potentially significant in inheritance issues.
04-066 Domestic Relations Records —Records pertaining to matters such as adoptions, bastardy proceedings, child custody, and divorce.	Permanent record.	Has historical value and potentially significant in inheritance issues.
04-067 Hospital Lien —A verified statement of claim setting forth the name and address of the patient and operator of the hospital, date of admission and discharge, amount claimed to be due and names and addresses of any one believed liable for damages.	Retain for 10 years, then destroy.	Statute of Limitations, T.C.A. § 28-3-110 T.C.A. § 18-1-202.
04-068 Hospital Lien Book —Book in which the clerk enters the date and hour of filing of a hospital lien, name and address of hospital, the operator	Retain for 10 years after last entry, then destroy.	Statute of Limitations, T.C.A. § 28-3-110

Retention Schedule for Circuit and Criminal Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
thereof, the patient, those claimed to be liable and the amount claimed. Releases are noted on the margin of this book.		T.C.A. § 18-1-202.
04-069 In Memoriam Books —Record of deaths of members of local bar.	Permanent record.	Keep for historical value.
04-070 Judgment Books —Record of judgments rendered by the court, showing book and page numbers of rule docket in which case is recorded, number and style, names of plaintiff and defendant, judgment rendered, and amount of costs. This is an obsolete record.	Permanent record.	T.C.A. § 18-1-202(a).
04-071 Jury Books —A record of jurors serving in cases tried before this court, showing date of court, style of case, nature of action or offense charged, and names of jurors.	Retain 10 years after last entry, then destroy.	T.C.A. § 18-1-202(a).
04-072 Jury Commission Records —Jury commission reports from commission to court of names drawn for jury service from jury box, jury cards, etc.	Retain for 10 years, then destroy.	T.C.A. § 18-1-202(a).
04-073 Jury List Book —A book containing a list of names of persons qualified to serve as jurors selected by the jury commissioners.	Retain for 10 years after last entry, then destroy.	T.C.A. § 18-1-202(a).
04-074 Land Condemnation Records —Records pertaining to land condemned for road and sewer construction, commercial development, etc.	Permanent record.	Could have bearing on land title.
04-075 Land Sale Newspaper Clippings —Newspaper clippings of chancery court land sales for failure to pay delinquent taxes and for judgments settling estates for minor children, showing place of sale and description of property to be sold. Clippings are pasted in volumes.	Retain 10 years after last entry, then destroy.	T.C.A. § 18-1-202(a).
04-076 Minute Books	See Indexes - Minute Books and Indexes.	
04-077 Naturalization Records —Records of proceedings in the naturalization of aliens including certificates of arrival, declarations of intention, petitions, affidavits of witness who has known the petitioner for at least 5 years, oaths of allegiance, and orders of the court conferring rights and privileges of citizenship upon petitioner.	Permanent record. (These records are not usually found today in Circuit Court records.)	Important for historical purposes and for establishing citizenship.
04-078 Plan and Plat Records —Drawings and blueprints of forms, subdivisions, cemeteries, city lots, and street improvements, showing name of subject, date of drawing, boundaries, scale used, location, name of engineer making survey, name of draftsman, and certificate of registration.	Permanent record.	Could have bearing on land title.
04-079 Receipts for Papers —Record of all files and papers removed from the office, showing date and by whom taken, and date returned.	Retain until all files and papers are returned, then destroy according to rules of the Public Records Commission.	Working paper (T.C.A. § 10-7-406(b)).
04-080 Sale Books —Record of court land sales, showing name of court, style of case, location and description of property, by what process land was sold, date of sale, name of purchaser, and tax collected.	Permanent record.	Could have bearing on land title.
04-081 Sheriff's Receipt Books —Book used by execution clerks to record and control the execution	Retain 10 years after last entry, then	T.C.A. § 18-1-202(a).

Retention Schedule for Circuit and Criminal Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
and flow of fieri facias and other process to be returned by sheriff.	destroy.	
04-082 Witness Books —Record of witnesses appearing in court cases, showing date of court term, style of case, names of witnesses for complainant, names of witnesses for respondent, number of days attended, miles traveled, amount due, and date of payment.	Retain 10 years after last entry, then destroy.	T.C.A. § 18-1-202(a).

OBSOLETE RECORDS

04-083 Enrollment Books—Recorded copies of original process incident to civil cases, showing names of plaintiff and defendant, cause of action, dates of trial and disposal of case, nature and text of process filed, and date recorded; may include bills and petitions, answers and pleas, and depositions. This is an obsolete record.

Permanent record. No longer generated. Keep for historical value.

04-084 Retired Cases Dockets—Record of cases disposed of or retired by the court, showing case number, date retired, names of complainant, respondent, and attorneys; also date of filing, rule docket and page number of recordation, dates and text of orders of the court; and volume and page number of recordation in minute book.

Obsolete record no longer in use. Retain 10 years, after last entry, then destroy.

04-085 Subpoena and Commission

Dockets—Record of subpoenas and commissions issued authorizing persons to take depositions, showing date of entry, style of case, nature of action, kind of writ, how served, and disposition of the case.

Obsolete record no longer generated. Return 10 years after last entry, then destroy.

Clerk and Master Records Retention Schedule

Reference Number: CTAS-2053

Clerk and Master Records. The records included in this schedule are those for the office of the clerk and master. Many of the materials in this schedule will also be important to county clerks that serve as clerks for probate court. They are divided into different sections based on the types of records. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. Included in this table is a listing of "obsolete" records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record or the frequency of its occurrence. This is particularly true of court records which may vary according to local rule and practice and especially confusing concerning the varying forms of docket books that courts may have utilized over the years. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
A. Civil Action Files		
05-001 Briefs —Statements of the case, legal theory and arguments for a party in a case.	Maintain for three years after final disposition of case, then notify parties and destroy.	T.C.A. § 18-1-202(b).
05-002 Chancellor's Opinions —Statements by the chancellor of the decision reached in regard to a cause heard before him relating the law as applied to the case and giving reasons on which the judgment is based.	Permanent record.	T.C.A. § 18-1-202(a).
05-003 Civil Actions, Record of —All original process, pleadings, chancellor's opinions and orders in each civil case, motions, master's reports, affidavits, etc.	Permanent record.	T.C.A. § 18-1-202(a).
05-004 Discovery Records —Interrogatories, depositions and other legal devices to obtain information concerning a case prior to trial.	Maintain for three years after final disposition of the case, then notify parties and destroy.	T.C.A. § 18-1-202(b).
05-005 Doctor's Depositions in Worker's Compensation Cases	See Trial Exhibits and Evidence, below.	
05-006 Summonses —A writ notifying a person that a court action has been commenced against him, and that he is required to appear on a day named and answer the complaint in such action.	Permanent record.	T.C.A. § 18-1-202(a).
05-007 Trial Exhibits and Evidence —Any documentary evidence and exhibits presented at trial that become part of the record of the case. For physical evidence, see T.C.A. § 18-1-206.	Retain 10 years after final judgment, then destroy unless local rule of court provides for a different retention period.	T.C.A. § 18-1-202(a).
B. Bonds		
05-008 Appearance and Bail Bond Records —Bonds and recordings of bonds executed by defendants and sureties showing defendant's name, name of person serving as surety, amount of bond, and signatures of the accused and sureties.	Retain 10 years after final judgment, then destroy.	T.C.A. § 18-1-202(a).
05-009 Attachment and Injunction Bonds —Bonds executed in attachment and injunction cases insuring defendant against damages likely to occur as a result of wrongful suing, showing date of bond, names of principal and sureties, amount of bond, condition of the obligation, and signatures of principal and sureties.	Retain 10 years after final judgment, then destroy.	T.C.A. § 18-1-202(a).
05-010 Cost Bonds, Civil Cases —Bonds executed to insure payment of court costs, showing names of plaintiff and defendant, amount and date of bond, condition of the obligation, and signatures of principal and sureties.	Retain three years after final judgment, then destroy.	T.C.A. § 18-1-202(b).
05-011 Guardian's Bonds —Loose file original bonds executed by guardians to insure the discharge of duties obligations, showing names of estate, guardian, minors, and sureties, amount of bond, date executed, conditions of the obligation, date of approval by the court, and signatures of principal, sureties, and judge.	Retain 10 years after final judgment, then destroy.	T.C.A. § 18-1-202(a).
05-012 Miscellaneous Bond Books —Receivers', indemnifying, appearance,	Retain 10 years after release, replacement or	T.C.A. § 18-1-202(a).

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
cost, refunding, replevin, etc., bonds, showing names of principal and sureties, style of case, amount and date of bond, condition of the obligation, and signatures of principal and sureties.	expiration of all bonds in book, then destroy.	
C. Dockets [Note: Dockets are kept in varying formats in different courts. Not all of the following dockets may be found or kept in your court. Much of the information may be combined into one docket or maybe be kept electronically pursuant to T.C.A. § 10-7-121. Except for Mental Health and Adoption Dockets, most other dockets may now consolidated into a single docket. The fact that separate listings are given for dockets below does not mean that these records must be kept separately.]		
05-013 Alimony and Child Support Dockets & Ledgers —Docket shows date alimony and child support paid to court clerk, date paid out by him or her, name of person to whom paid, and amount.	Retain 25 years after last entry, then destroy.	Retention period based on period of dependency of minor.
05-014 Appeal Dockets —Record of cases going to appellate courts showing style of case, date, and ruling of the court; may show court costs.	Retain 10 years after last entry, then destroy.	T.C.A. § 18-1-202(a).
05-015 Appearance and Rule Dockets —Record of first appearance of all causes in court, showing date filed, names of attorneys, style of case, security, and action taken.	Permanent record.	T.C.A. § 18-1-202(a).
05-016 Bar Dockets (aka Hearing Dockets, Trial Dockets, or Judge's Docket Sheets) —A record prepared for the use of the chancellor, clerk and master and bar, listing all cases set for trial in court, showing date of court term, case number, names of attorneys, plaintiff, defendant, date case filed; may also show page and volume number or recordation in minute book. This is basically a working paper, but may have record value in some counties.	As long as the information in this record series is found in other records which are retained for 10 years, these are considered working papers records and may be destroyed when no longer useful.	T.C.A. § 10-7-406(b).
05-017 Delinquent Tax Docket Book —Record of property taken over by the county, showing description of property, whether redeemed or not, by whom redeemed, amount of taxes, date, and decree of court relevant to property.	If the county maintains this information in this format, retain as a permanent record.	These records could have bearing on land title and therefore need to be maintained.
05-018 Distribution Dockets —Dockets showing the detailed distribution of funds belonging to an estate, etc.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.
05-019 Execution Dockets and Indexes —A financial record of cases tried, showing date or court term, style of case, nature of action, amount of judgment and cost, and amount and date paid.	Permanent record.	T.C.A. § 18-1-202(a).
05-020 Guardian and Trustee Dockets —Record of proceedings pertaining to guardianships and trusteeships showing names of guardians, trustees, minors, trustors, etc., amount of bond, names of sureties, and date executed; may also include dates, letters and orders issued, dates of annual and final settlements, and book and page number of recordings in minute book.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
05-021 Motion Dockets —Docket shows names of plaintiff and defendant, date motion filed, nature of motion, and remarks.	As long as information in these records is found in other records which are retained for 10 years, these are considered working papers and may be destroyed when no longer useful.	T.C.A. § 10-7-406(b).
05-022 Rule Dockets and Indexes —A record of original processes issued and filed incident to cases tried in court, showing number of case, date and hour filed, names of complainant, respondent, and solicitors; also date and nature of process, names of bondsmen, date process served, note of officer's return, and rules and orders of the court.	Permanent record.	T.C.A. § 18-1-202(a).
05-023 Worker's Compensation Dockets —Docket shows name of person applying for compensation, date of application, date and amount of judgment, and accrued costs.	Permanent record.	T.C.A. § 50-6-225.
D. Financial Records —The disposition schedule for many of the financial records of the court can be found in schedule number 15 in this manual, entitled General Accounting and Purchasing Records. The items included below are those financial records unique to the office of the clerk and master.		
05-024 Fee Books —A record of fees collected by the clerk and master in court litigation, showing date of collection, from whom received, on what account, style of case, and amount collected. This book is no longer used in most counties.	Retain 10 years after clerk's tenure is broken, then destroy. May be obsolete.	T.C.A. § 18-1-202.
05-025 General Account Ledgers (refer to execution docket) —Ledger accounts of funds received from sales of property in settlement of estates, alimony payments, and payments of judgments and court costs; money distributed by the clerk and master showing style and number of case, date of collection, name of person from whom received, and amount; date of payment, name of payee, number of check issued, and amount; may show cash book and page number from which entry was posted.	Permanent record.	May have bearing on land title.
05-026 Investment Ledger —Record of funds belonging to estates and ordered to be invested.	Permanent record.	This record may have significance to the parties for decades.
05-027 Notes —Original notes submitted to the clerk for funds loaned by order of the court, showing date and amount of note, date due, style of case from which funds are loaned, and signatures of principal and sureties; may also be notes executed to the clerk and master as payment for real estate purchased at court sales.	Retain 10 years after payment of note, then destroy.	This record has long term significance to the parties. May also contain information affecting land title.
05-028 Payroll Records	See separate retention schedule in this manual for employment records.	
05-029 Receipt Books —Duplicates of receipts issued for payment of judgments and costs in litigation, showing date of receipt, name of payor, amount and purpose of payment, names of complainant and respondent, and signature of clerk and master.	Retain 10 years after issuance of last receipt, then destroy.	T.C.A. § 18-1-202(a).
05-030 Receipt Books, Delinquent	Retain 10 years after	T.C.A. § 18-1-202(a).

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
Tax —Duplicates of receipts issued for payment of delinquent taxes, showing receipt number, date issued, name of taxpayer, amount, year of assessment, district number, number of acres of farm land, number of town lots, valuation, personal property valuation, amounts of state and county taxes, interest, penalty, and total amount of payments.	issuance of last receipt, then destroy.	
05-031 Unclaimed Funds, Record of —Record of funds in hands of clerk unclaimed for 7 years and turned over to state, showing style of case, case number, respondent, and amount.	Retain 10 years, then destroy.	Record kept for audit purposes and a reasonable period to allow interested parties to make inquiries.
E. Guardian and Conservatorship Records 05-032 Administrator and Guardian Notifications (Appointments), Record of —A record of notification of appointments to guardian and administrators, showing date of official notice, name of ward or estate, and date of final settlement with the court.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.
05-033 Conservator's Bonds —Loose file original bonds executed by conservators to guarantee performance of duties showing names of persons for whom responsible, amount of bond, date executed, conditions of the obligation, approval of the judge, and signatures of principal, sureties, and judge.	Retain 10 years after expiration of bond, then destroy.	T.C.A. § 18-1-202.
05-034 Conservator's Bonds, Record of —Bound original and/or recorded copies of conservator's bonds.	Retain 10 years after expiration of bond, then destroy.	T.C.A. § 18-1-202.
05-035 Conservator's Settlements, Record of —Recorded copies of conservator's settlements with the court showing name of person for whom responsible, name of conservator, date of appointment, receipts and disbursements during the period reported, totals, balance due, date of settlement, acknowledgment and approval of the court, date recorded, and signature of the clerk.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.
05-036 Guardians' Bonds and Letters, Record of —Bound original and/or recorded copies of guardians' bonds. Letters show names of guardian, estate, and minors, order of the court, date issued, and name of the clerk.	Retain 10 years after expiration of bond, then destroy.	T.C.A. § 18-1-202.
05-037 Guardian Files —These files may include orders, petitions, claims, bills of costs, inventories, accounts, receipts, settlements, and recapitulations. All of these records except petitions should be recorded.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.
05-038 Guardian Rule Dockets —Record of all proceedings pertaining to guardianship of minors, showing names of guardian and minors, amount of bond, names of sureties, date executed, date letter of guardianship issued, dates of annual and final settlement by guardian, dates of orders confirming settlements, and book and page number of recording in minute book.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.
05-039 Guardian Settlements, Record of —Recorded copies of settlements filed by	Permanent record.	This record has long term significance to the parties.

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
guardians showing whether partial or final, name of guardian, name of minor, date of report, amounts of receipts and disbursements, name of payee, and purpose of payment.		May also contain information affecting land title.
05-040 Ward Receipts —Show testimony of ward and receipt for all demands against the guardian when ward has become 21 years old. Receipt shows date, name of guardian and ward, and description of items.	Retain 10 years after termination of the guardianship, then destroy.	Retention period established to cover period of time during which a controversy might arise.
F. Index Books		
05-041 Divorce and Adoption Cases, Index —Indexes to original divorce and adoption cases, showing names of parties, style of case, case number, and file container in which record is filed. NOTE: Record series may contain confidential information.	Permanent record.	Necessary for use of other permanent records.
05-042 General Index —Index to all original case papers, showing file number and names of complainant and respondent.	Permanent record.	Necessary for use of other permanent records.
05-043 Guardian Index —Index to guardians showing name of guardian and book and page number of recording.	Permanent record.	Necessary for use of other permanent records.
05-044 Judgment Index Books (see Divorce and Adoption cases, Indexes)	Permanent record.	Necessary for use of other permanent records.
05-045 Minute Books and Indexes —Minutes show the course and proceedings in all cases from their origin to termination, giving name of defendant, offense charged, date of trial, verdict of jury, and sentence of the court.	Permanent record.	Necessary for use of other permanent records.
G. Probate Court Records (transferred to Clerk and Master in most counties)		
05-046 Abstracts of Conveyances —Record of real estate transfers in probate court showing amount of sale, date of transaction, names of parties to the transfer, and dates recorded.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.
05-047 Administrator's Bonds —Loose file original bonds executed by administrators to guarantee the performance of duties, showing names of estate, administrator, sureties, amount of bond, date executed, conditions of the obligation, approval of the judge, and signatures of principal, sureties, and judge.	Retain for 10 years after expiration of bond, then destroy.	T.C.A. § 18-1-202.
05-048 Administrator's Bonds and Letters, Record of —Bound original and/or recorded copies of administrators' bonds; also letters showing names of administrator and estate, order of the court, date issued and name of the clerk. Oaths to perform the will of the deceased, or for faithful performance of duties, may also be included.	Retain for 10 years after expiration of bonds, then destroy.	T.C.A. § 18-1-202.
05-049 Administrator's Files (Wills may be Annexed) —These files may include orders, petitions, claims, bills of cost, inventories, accounts, receipts, settlements, and recapitulations.	Permanent record.	Since these files include orders, preserve permanently (T.C.A. § 18-1-202). It is also necessary to permanently preserve original of all wills.
05-050 Administrator's Rule Dockets —An	Permanent record.	Rule dockets are

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
<p>account of proceedings pertaining to settlements of administrators showing name of administrator, amount of bond, names of sureties, date of letter of administration or statement, book and page number of recordation, dates of partial and final settlements, date of filing, and dates of court orders confirming settlements.</p> <p>05-051 Administrator's Settlements, Record of— Recorded copies of administrators' settlements with the probate court showing name of deceased, name of administrator, date of appointment, book and page number where will is recorded, receipts and disbursements during the period reported, totals, balance due estate, date of settlement, acknowledgment and approval by the court, date recorded, and signature of the clerk.</p>		<p>maintained permanently (T.C.A. § 18-1-202).</p>
<p>05-052 Estate Receipts of Executors, Administrators, and Clerk—Original receipts taken by the clerk for disbursement of funds incident to estate settlements showing date of receipt, amount and purpose of payment, signature of payee, and source from which funds were derived. Also includes affidavits of heirs who have become of age, acknowledging settlement for their portions of estate involved, showing names of guardian and heir, date and amount of settlement, date of affidavit, and signature of heir. These may be loose files or bound volumes.</p>	Permanent record.	<p>This record has long term significance to the parties. May also contain information affecting land title.</p>
<p>05-053 Estate Sales, Accounts of—Itemized accounts of sales of estates of deceased persons as submitted to the county court by administrators, showing date and nature of all transactions.</p>	Permanent record.	<p>This record has long term significance to the parties. May also contain information affecting land title.</p>
<p>05-054 Estate Settlement Files</p>	Permanent record.	<p>This record has long term significance to the parties. May also contain information affecting land title.</p>
<p>05-055 Executor's Bonds—Loose file original bonds executed by executors to guarantee the performance of all duties, showing names of principal and sureties, amount of bond, date executed, conditions of the obligation, date of approval by the judge, and signatures of principal, sureties, and judge.</p>	Preserve originals permanently if not microfilmed; if microfilmed, retain 30 years, then destroy.	<p>These records have been determined to have significant historical material.</p>
<p>05-056 Executor's Bonds and Letters Index—Index to executors' bonds and letters showing name of executor and book and page number of recording.</p>	Permanent record.	<p>These records have been determined to have significant historical material.</p>
<p>05-057 Executor's Bonds and Letters, Record of— Bound original and/or recorded copies of executors' bond; also letters showing names of administrator and estate, order of the court, date issued, and name of the clerk. Oaths to perform the will of the deceased, or for faithful performance of duties may also be included.</p>	Preserve originals permanently if not microfilmed; if microfilmed, retain 30 years after last issued bond, then destroy.	<p>These records have been determined to have significant historical material.</p>

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
05-058 Executor's Files —These files may include orders, petitions, claims, bills of costs, inventories, accounts, receipts, settlements, recapitulations, and wills. All of these records except petitions should be recorded.	Preserve originals of all orders, distributed receipts, & inheritance tax receipts not microfilmed; if microfilmed, originals may be destroyed after final settlement. Preserve permanently original of all wills. Retain all other records in file 10 years if not microfilmed, then destroy; if microfilmed, destroy after final settlement of estate.	These records have been determined to have significant historical material. Any court orders must be preserved permanently.
05-059 Executor's Rule Dockets —An account of proceedings pertaining to settlements of executors showing name of administrator or executor, amount of bond, names of sureties, date of letter of administration or testament, book and page number of recordation, dates of partial and final settlements, date of filing, and dates of court orders confirming settlements.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.
05-060 Executor's Settlements, Record of —Recorded copies of executors' partial and final settlements with probate court showing names of estate and executor, date of appointment, book and page number where will is recorded, receipts and disbursements during the reported period, totals, balance due estate, date of settlement, acknowledgment and approval of the court, date recorded, and signature of the clerk.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.
05-061 Homestead, Dower and Dissent Records — Original papers, including petitions to county court asking for appointment of commissioners to set aside homestead and dower sufficient for needs of widow and family pending settlement of estates, oaths of commissioners with signatures, date of oath and signature of county court clerk administering oath, reports of commissioners showing recommendations regarding portion of estate that may be set aside, and itemized list of items to be included, and petition and orders in case where spouse of deceased dissents from the will.	Permanent record.	This record has long term significance to the parties. May also contain information affecting land title.
05-062 Insolvent Estates Proceedings, Record of — Record of proceedings in the settlement of insolvent estates including administrator's suggestion of insolvency, showing names of estate and administrator, date filed, court's order for publication of notice to creditors to file claims; list of claims filed showing date filed, number of claims, name of claimant, date due, and signature of person to whom payment is made.	Permanent record.	Certain of these materials may significantly affect land title and property rights.
05-063 Inventories of Estates, Record of —Recorded inventories of estates of deceased persons listing all property belonging to the estates and value of each item, showing name of	Unless materials are all and obviously of historical significance, retain 10 years, then destroy.	T.C.A. § 18-1-202.

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
administrator, executor, or guardian filing same, date filed, and date sworn to and subscribed before a notary public of the clerk.		
05-064 Land Sales, Record of —Record of land sales authorized by the court at the instance of heirs showing style of case, date of sale, name of purchaser, amount of consideration, date and terms of payment, and distribution of funds received from sale.	Permanent record.	This record has long term significance to the parties. Contains information affecting land title.
05-065 Notes, Record of —Record of notes executed by purchasers of land sold by decree of the court in settlement of estates, showing number of note, date executed, date due, amount of note, district number, names of complainant and respondent, and signatures of purchaser and surety; on reverse side of note a record of payments showing amount, date paid, and signature of the clerk.	Permanent record.	This record has long term significance to the parties. Contains information affecting land title.
05-066 Probate Court Minutes —Recorded minutes of probate court proceedings, including the appointment of administrators, executors, and guardians, estate settlements, probation of wills, adoption and insanity hearings, and the dispatch of all probate matters coming within the jurisdiction of probate court.	Permanent record.	This record has long term significance to the parties. May also have historical significance.
05-067 Realty Transfer Record—Probate Court — Record of real estate transfers showing amount of sales, date of transaction, names of parties to transfer, description of property by metes and bounds, and date recorded.	Permanent record.	This record has long term significance to the parties. Contains information affecting land title.
05-068 Receipt Books (aka Distribution of Estates Books) —Original receipts made to the clerk for money paid out by him in transacting the business of the court. An example: the settlement of estates and the sale of land for purpose of petition, showing date of payment, and clerk's signature. Receipts may be pasted in volume.	Permanent record.	May include important information for tracing land title transfers.
05-069 Receipts, Miscellaneous —Duplicates of receipts issued by the clerk for money received by him in process of settlements with agents of estates, showing date of receipt, amount received, name of payor, purpose of payment, and clerk's signature.	Retain five years, then destroy.	Keep for audit purposes. T.C.A. § 10-7-404(a).
05-070 Rule Dockets —Record of suits for sales of land, partitioning of estates, and habeas corpus proceedings showing names of attorneys, plaintiff, and defendant, process and rules, date petition filed, date set for hearing, subpoenas to answer, date bond filed; may also include decree date of the court and final disposition of the case.	Permanent record.	Rule dockets are retained permanently (T.C.A. § 18-1-202).
05-071 Settlements —See Administrator's Files.	Permanent record.	See Administrator's Files.
05-072 Trustees and Assignees' Bonds and Oaths — Loose file original bonds of trustees and assignees appointed for benefit of creditors, showing name of appointee, by whom appointed, date and	Retain five years after release, replacement or expiration of bond, then destroy.	Maintain for audit purposes (T.C.A. § 10-7-404(a)).

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
amount of bond, and signatures of principal and sureties; also oath to perform faithfully all duties imposed by law, to make an inventory of all goods, chattels, lands and other assets conveyed to him, and to return or cause to be filed in the clerk's office an account of all sales, and moneys received, or securities taken; shows acknowledgment of the clerk.	Retain five years after release, replacement or expiration of all bonds in bound volumes, then destroy.	Maintain for audit purposes (T.C.A. § 10-7-404(a)).
05-073 Trustees and Assignees' Bonds and Oaths, Record of —Bound original and/or recorded copies of trustees' and assignees' bonds and oaths.	Retain five years after release, replacement or expiration of all bonds in bound volumes, then destroy.	Maintain for audit purposes (T.C.A. § 10-7-404(a)).
05-074 Widows' and Orphans' Provisions, Record of — A record of provisions made by the court for the support of widows and orphans, showing itemized account of commodities and cash provided.	Permanent record.	Record has historical significance.
05-075 Wills —Original wills filed for probate and recording showing name of testator, date instrument executed, names of legatees, provisions for the partition, distribution, and administration of the state, names of witnesses and testator, clerk's notation of the court's action, and book and page number of recordation.	Permanent record.	This record has long term significance to the parties. Contains information affecting land title.
05-076 Wills, Record of —Recorded copies of wills showing name of testator, date instrument executed, names of legatees, provisions for the partition, distribution, and administration of the estate, names of witnesses and testator, date of probate, and approval of the court.	Permanent record.	This record has long term significance to the parties. Contains information affecting land title.
H. Process, Court Orders, Writs, Etc.		
05-077 Attachments on Personal Property —Writs issued during court action to seize the personal property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover.	Retain 10 years after final settlement of case, then destroy.	T.C.A. § 18-1-202(a).
05-078 Attachments on Real Property —Writs issued during court action to seize the real property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover.	Retain 10 years after final settlement of case, then destroy.	T.C.A. § 18-1-202(a).
05-079 Executions —Writs or orders providing that an act or course of conduct be carried out.	Retain 10 years after issuance, then destroy.	T.C.A. § 18-1-202(a).
05-080 Fieri Facias — Court orders to levy execution on property, sell the same, and apply the proceeds to the satisfaction of judgments in court; shows names of complainant and respondent, description of property, and amount involved; an execution.	Retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
05-081 Garnishments —Process whereby defendant's property in possession or control of another is applied to payment of defendant's debt. Shows names of court, plaintiff, and defendant, total costs, and reporting date.	Retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
05-082 Habeas Corpus, Writs of —Writs issued to change the place of trial, to move from custody	Permanent record.	This record is in the nature of original process (T.C.A.

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
of one court to another, directing that a detained person be produced, etc.		§ 18-1-202(a) 0.
05-083 Replevin Warrants (Writs of Possession) — Writs giving authority to recover goods or chattels claimed to be wrongfully taken or kept.	Permanent record when used as leading process (now obsolete), otherwise retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
05-084 Subpoenas —Copies of summonses to appear in court as witnesses in lawsuits, showing name of person summoned, day and hour to appear, in whose behalf, and signature of the clerk.	In civil cases, retain three years, then destroy.	T.C.A. § 18-1-202(b).
05-085 Warrants —Writs issued in both civil and criminal cases requiring an officer of the law to arrest the person named therein and bring him before the court to answer charges of some offense which he is alleged to have committed.	Permanent record.	T.C.A. § 18-1-202(a).
05-086 Writ of Possession —A writ employed to enforce a judgment to recover possession of land.	Permanent record.	Could have bearing on land title.
05-088) Clerk and Master (Financial) Reports — Reports submitted to the chancellor by the clerk and master on receipts and disbursements of this office, showing date, source, and amount of receipt; also purpose, date, and amount of disbursement, and date reported.	Retain 10 years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
05-089 Delinquent Tax Collections Reports —Copies of reports made by the clerk to the cities, county, and state of tax collections in litigation, showing docket number, case number, names of complainant and respondent, amount collected, total, and date of report.	Retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
05-090 Litigation Tax Reports —A record of all state and county litigation taxes collected by the clerk showing number of cases and amount received.	Retain 10 years after last entry, then destroy.	Keep for audit purposes. T.C.A. § 10-7-404(a).
05-091 Revenue Dockets or Reports —Record of reports to the county judge or county mayor of state and county revenue collected by the clerk and remitted to the trustee and state, showing date and source of collection, date reported, certification of clerk, and amounts of taxes, fees, and total. Receipts from trustee and state for funds received may be posted in these volumes.	Retain 10 years after clerk's tenure is broken, then destroy.	Keep for use as evidence in case of misappropriation of funds.
05-092 Sale Books or Reports —Record of court land sales, showing name of court, style of case, location and description of property, by what process land was sold, date of sale, name of purchaser, and tax collected.	Permanent record.	Could have bearing on land title.
05-093 Special Commissioners Reports —Reports of special commissioners appointed when property is sold by court.	Permanent record.	Could have bearing on land title.
05-094 Worker's Compensation Payment Records	Retain 10 years after judgment in case, then destroy.	T.C.A. § 18-1-202(a).
J. Other Records		

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
05-095 Adoption Files —Petitions to the court for the adoption of children, all intermediate proceedings, and final decree of the court, showing, in addition to the text, name and address of petitioner, date of petition, name of child, names of parents or custodian of child, age, date of birth, sex of child, statement of financial status and character of petitioner, and signatures of petitioners, affiants, and judge. Note: Record series contains confidential information.	Permanent record.	T.C.A. § 36-1-111. Has historical value and long term significance to the parties.
05-096 Chambers Minutes and Indexes —Minute books in which are recorded decrees in matters of urgency handed down by chancellor at chambers.	Permanent record.	Has historical value.
05-097 Delinquent Tax Lists —Lists of delinquent real estate taxes, showing name of taxpayer, location and description of property, assessed valuation, amount of taxes due, interest, and penalty; may be posted to delinquent tax dockets.	Destroy after posting to delinquent tax dockets. If not posted to delinquent tax dockets, retain as a permanent record.	Could affect land title.
05-098 In Memoriam Books —Record of deaths of members of local bar.	Permanent record.	Keep for historical value.
05-099 Insanity Proceedings, Record of —Recorded proceedings in insanity inquisitions showing name of patient, suggestion of insanity, name of trial judge, date of trial, sworn statement of examining physicians, statements of witnesses, and final disposition of the case.	Permanent record.	Has long term significance to the parties.
05-100 Insurance Policies —Insurance policies on property held by deed of trust on which loans have been made, and policies naming the clerk and master beneficiary by virtue of his being receiver for the estate, showing name of company, name of agent issuing policy, date of policy, date of expiration, amount of premium, amount of coverage, and description of property covered.	Retain 10 years after expiration or replacement of policy, then destroy.	T.C.A. § 18-1-202(a).
05-101 Land Condemnation Records —Records pertaining to land condemned for road and sewer construction, commercial development, etc.	Permanent record.	Contains information that has bearing on land title.
05-102 Land Records of Partitioning —Original papers relative to suits for the sale of property including orders and decrees, notices of sale of land, lists of assets and liabilities, clerk's reports of sales, notices of publication, and depositions relative thereto.	Permanent record.	Contains information that has bearing on land title.
05-103 Land Sale Newspaper Clippings —Newspaper clippings of chancery court land sales for failure to pay delinquent taxes and for judgments settling estates for minor children, showing place of sale and description of property to be sold. Clippings are pasted in volumes.	Retain 10 years after last entry, then destroy.	T.C.A. § 18-1-202(a).
05-104 Names and Birth Dates Corrected, Records of —These files may contain copies of court orders for correcting names and birth dates. Orders show subject's name, sex, race, date of birth, place of birth, and file date; also incorrect	Preserve file permanently if court order is not recorded; if order is recorded, retain file 10 years, then destroy.	Has long term significance to the parties. May have historical significance (T.C.A. § 18-1-202(a)).

Retention Schedule for the Office of the Clerk and Master

Description of Record	Retention Period	Legal Authority/ Rationale
and correct information, date and signature of county judge, and acknowledgment of the clerk. Copies of State Division of Vital Statistics forms may be filed showing two affidavits of persons knowing subject and documents used in ascertaining birth. File may also contain petition from subject seeking change in name and/or birth.		
05-105 Naturalization Records —Records of proceedings in the naturalization of aliens including certificates of arrival, declarations of intention, petitions, affidavits of witness who has known the petitioner for at least five years, oaths of allegiance, and orders of the court, conferring rights and privileges of citizenship upon petitioner.	Permanent record. (These records are not usually found today in Chancery Court records.)	Important for historical purposes and for establishing citizenship. Has long term significance to the parties.
05-106 Non-support Files —Trial papers incident to action showing name of defendant, date of trial, bill of costs, and warrants issued.	Retain 10 years, then destroy.	T.C.A. § 18-1-202(a).
05-107 Plan and Plat Records —Drawings and blueprints of forms, subdivisions, cemeteries, city lots, and street improvements, showing name of subject, date of drawing, boundaries, scale used, location, name of engineer making survey, name of draftsman, and certificate of registration.	Permanent record.	Contains information that affects land title.
05-108 Publication Books —Book used by the clerk and master to record his issuances of all orders or publications.	Retain 10 years after, then destroy.	T.C.A. § 18-1-202(a).
05-109 Witness Books —Record of witnesses appearing in court cases, showing date of court term, style of case, names of witnesses for complainant, names of witnesses for respondent, number of days attended, miles traveled, amount due, and date of payment.	Retain 10 years after last entry, then destroy.	T.C.A. § 18-1-202(a).
OBSOLETE RECORDS OF THE CLERK AND MASTER'S OFFICE		
05-110 Enrollment Books —Recorded copies of original process incident to civil cases, showing names of plaintiff and defendant, cause of action, dates of trial and disposal of case, nature and text of process filed, and date recorded; may include bills and petitions, answers and pleas, and depositions. This is an obsolete record.		Keep as a permanent record. No longer generated, but still must be retained.
05-111 Fee Reports —Reports of fees collected by the clerk and master showing date of report, date of collection, from whom received, purpose of payment, date of report, and signature of clerk and master. This record is now obsolete.		Retain 10 years after clerk's tenure is broken, then destroy.
05-112 Judgment Books —Record of judgments rendered by the court, showing book and page numbers of rule docket in which case is recorded, number and style, names of plaintiff and defendant, judgment rendered, and amount of costs. This is an obsolete record.		Permanent record. No longer generated, but must be maintained.
05-113 Retired Cases Dockets —Record of cases disposed of or retired by the court, showing case number, date retired, names of complainant, respondent, and attorneys; also date of filing, rule docket and page number of recordation, dates and text of orders of the court; and volume and page number of recordation in minute book.		Obsolete record no longer in use. Retain 10 years after last entry, then destroy.
05-114 Subpoena and Commission Dockets —Record of subpoenas and commissions issued authorizing persons to take depositions, showing date of entry, style of case, nature of action, kind of writ, how served, and		Obsolete record no longer generated. Return 10 years after last entry, then destroy.

OBSOLETE RECORDS OF THE CLERK AND MASTER'S OFFICE

disposition of the case.

County Clerk Records Retention Schedule

Reference Number: CTAS-2050

County Clerk Records. The records included in this schedule are only those specific to the office of the county clerk. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. As various types of taxes and registers have come and gone over the decades and as the duties of the county clerk changed, many functions and records of this office in particular have become obsolete. Included in this table is a listing of "obsolete" records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. As a repository of many basic county records, the office of the county clerk maintains a large number of records that have historical significance and must be kept permanently. When using this table, keep in mind that to a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
02-001 Accounting Records — Monthly statements from banks in which county clerk's funds are deposited, showing dates of statements, names of banks, dates and amounts of deposits, dates and amounts of withdrawals, and balances.	Retain five years, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
02-002 Animal Pedigrees, Record of —Animal pedigrees filed with and registered by the clerk showing name, kind of animal, name of owner, pertinent information, certificate of registration showing date of registration, and signature of clerk.	Permanent record. (Note however, that few offices are doing this.)	Necessary for checking lineage of animals.
02-003 Appropriation Dockets —Record of appropriations made by the county legislative body for maintenance of county offices and institutions, and for payment of claims against the county, showing date of session, date claim filed, to whom payable, nature of claim or purpose of appropriation, and amount.	Retain five years after last entry, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
02-004 Audit Reports —Audit reports of the office of county mayor, county judge, trustee, county clerk, register, circuit court clerk, clerk and master, sheriff, school superintendent, highway commissioner, and other county offices. Audit reports show name of office, name of fund or account, account of all receipts and disbursements, date of audit, and signature of auditor.	Preserve permanently one copy of all audits.	Keep for historical purposes
02-005 Automobile Dealer License Books —Recorded copies of original licenses issued	Retain five years after all licenses in book have	Keep for audit purposes T.C.A. § 10-7-404(a).

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
automobile dealers by the state, showing name and address of firm, date, fee, date recorded, and clerk's signature.	expired, then destroy.	
02-006 Aye and Nay Dockets —Record of members of the quarterly court and county legislative body present at each session and their votes on matters of business presented showing dates of sessions, names of magistrates or county commissioners, nature of matter presented, and nature of vote.	Permanent record, except in those counties where all records are in minutes, if so, then destroy after three years.	Keep for historical purposes
02-007 Beer Permits —Duplicate of permits issued to persons selling legalized beverages (beer), showing name of licensee, business address, date issued, permit number and signature of commissioners approving the issuance of the license.	Retain five years after permit is terminated, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
02-008 Beer Tax Reports and Receipts —Reports from wholesale beer distributors showing brands of beer, number of units sold, unit prices and tax remitted. Receipts from trustee from money submitted by county clerk may also be in file.	Retain five years after creation, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
02-009 Beverage Bonds —Original bonds, loose and bound, made by persons applying for license to sell beer and other legalized beverages, showing names of principal and sureties, amount of bond, location of business, state registration number, county permit number, date of bond, approval of the clerk, and signatures of principal, sureties, and clerk.	Retain individual bonds three years after expiration, replacement or release of the bond, or termination of the business, then destroy, provided all liabilities are liquidated. These provisions should apply to all bonds in beverage bond books before disposal of the book.	Keep for audit purposes T.C.A. § 10-7-404(a).
02-010 Birth, Record of —Record of births reported showing date of birth, name of child, sex, color, names of parents, place of birth, and district number. The earliest of these records, reported by justices of the peace, may also show nativity of parents, occupation of father, residence of parents, and date recorded by the clerk.	Preserve permanently volumes containing entries prior to 1914; destroy volumes with all entries after 1914.	Keep for historical purposes except, where as indicated, the record is kept by another office.
02-011 Board of Equalization, Certification of Assessments —Certificate required by T.C.A. Section 67-5-1410 wherein members of county board of equalization certify that all appeals of the assessments and classifications of property have been examined and changes made which are proper, just and equitable and are prescribed by law.	Retain for five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-012 Brands and Cattle Marks, Register of —Record of cattle marks and brands showing names of owners of cattle and description of brands.	Permanent record.	Keep for historical purposes.
02-013 Business License —Original applications for licenses to engage in business showing name of applicant, kind of license, duration of license, date filed, and signature of	Retain five years after creation, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
<p>applicant; shows signature of affiant, date of affidavit, and acknowledgment of notary public.</p> <p>02-014 Cash Books, Daily—Record of revenue collected daily from all sources, shows date of collections, name of payor, purpose of payment and amount collected.</p>	Retain five years after last entry, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
<p>02-015 Cash Journals—Summary of all cash receipts and disbursements by the clerk as a state revenue agent and as clerk of the probate and quarterly courts. Record of collections may show date, name of payor, purpose of payment, amount, account credited, and amount deposited. Disbursement record shows date, name of payee, purpose of payment, amount, bank withdrawals, and balances.</p>	Retain 10 years, then eligible for destruction.	Comptroller's office considers this record important for demonstrating patterns in investigations of mis-appropriation of funds (T.C.A. § 10-7-404(a)).
<p>02-016 Cemetery Company Reports—Annual reports made to the clerk by cemetery companies showing names of corporation, dates of incorporation, district in which located, names of lot owners, price of lot, amount paid, amount of funds set aside for improvements, names of banks in which funds are deposited, date of reports, signature of secretary and treasurer of incorporation, and acknowledgment of notary public. These reports are required to be made to the Department of Insurance where they are permanent records.</p>	For reports are for years prior to 1968, maintain as a permanent record. After 1968, records filed and maintained elsewhere. Any reports for years after 1968 may be destroyed.	Record has historical significance.
<p>02-017 Charters of Incorporation, Registers of — Register of incorporation charters granted by the state showing part or all of the following: names of incorporators, name of corporation, location, nature of business, amount of capital stock, power and limitations of charter, date executed, date recorded. Since 1929, these charters have been filed with the register and the secretary of state.</p>	Preserve permanently any charters issued before 1929. All charters after that date are filed elsewhere. Any records of those charters still found in the office of the county clerk may be destroyed.	Keep for historical purposes except, where as indicated, the record is kept by another office.
02-018 Checks and Check Stubs	Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
<p>02-019 Contractor License Books—Recorded copies of certificates of license issued to general contractors by the State Board for Licensing General Contractors showing certificate number, name of contractor, names of chairman and secretary of the State Board, date certificate issued, date recorded, and signature of the clerk.</p>	Retain five years after all licenses in the book have expired, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
<p>02-020 County Legislative Body Minutes—Recorded minutes of the proceedings of the county legislative body, the quarterly sessions of county court, including various and sundry items such as fixing the tax levy, adoption of a budget, receiving financial reports from county officials and institutions, appropriation of funds for the maintenance and operations of county offices and institutions, and other items of a similar nature.</p>	Permanent record.	Actions recorded in minutes are effective until superceded or rescinded. Also kept for historical purposes.
<p>02-021 County Legislative Body Rough Minutes and Roll Calls—Rough original copies</p>	Retain until minutes are approved by county	Working paper. Destroy in compliance with T.C.A. §

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
of county legislative body minutes described in previous item. Includes audio tapes.	legislative body, then destroy in compliance with rules of the Public Records Commission.	10-7-406(b).
02-022 Deaths, Record of —Record of deaths reported showing date of death, name, sex, and color of deceased, marital status, cause of death, nativity, occupation, names and residence of parents, relationship of parents, if any, and date reported.	Preserve permanently original volumes containing entries prior to 1914; destroy other volumes.	Keep for historical purposes except, where as indicated, the record is kept by another office.
02-023 Distress Warrants —Original warrants issued against persons exercising certain privileges without paying the privilege tax, showing name and address of person of whom warrant is issued, date of issue, amount of tax due, fees, and penalties.	If court action results, retain until final settlement of case, then destroy; if no court action, retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-024 Distress Warrant Stubs —Stubs from which original warrants were detached, giving a complete record of each warrant with name, address, and business of all parties concerned.	Retain five years after issuance of last warrant, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-025 Drainage District Minutes —A record of all proceedings in drainage cases, including all orders made by the court, copies of original petitions, and all bonds required to be given, showing dates of petitions, names of petitioners, location and description of property to be affected, and benefits sought, date and amount of bond, and names of principal bondsmen.	Permanent record.	Actions recorded in minutes are effective until superceded or rescinded. Also kept for historical purposes.
02-026 Drainage District Papers —miscellaneous reports of engineers, juries of view, and commissioners. Also may include correspondence, invoices, warrants, vouchers, and bids.	Retain 20 years after termination of drainage district, then destroy.	Files are used for determining prescriptive property rights.
02-027 Election Records —Duplicate copies of poll books which are a record of individuals who voted in a particular election. Usually in the form of a book in manual counties; in the form of a computer print-out in computerized counties.	If manual poll book, keep for four years, if computer printout, keep for 6 years.	T.C.A. § 2-9-107.
02-028 Hunting and Fishing License Reports — Duplicates of reports made to the state showing certain information found on licenses issued.	Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-029 Inheritance Tax Books —Record of matters pertaining to the collection of state tax on inheritances including recorded copy of commission issued to appraiser authorizing him to evaluate estate for assessment of tax; shows names of estate and appraiser, date issued, names of legatees, report of appraiser submitting itemized statement of all real and personal property involved, showing the appraised value of each item and date of report. Also record of total amount of tax collected, compensation of appraiser, clerk's fees, balance due the state, copies of receipts given by the clerk to persons paying tax, receipts from state for remittances of the clerk on such collections.	Permanent records.	Record has historical significance. Most are filed elsewhere now.

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
02-030 Insurance Company Licenses (Certificates of Authority) —Copies of licenses issued by the State Department of Insurance and Banking authorizing duly qualified corporations to do business in this state, showing name and location of corporation, statement regarding amount of paid-up cash, capital and improved securities on deposit, authorization, seal, signature of the Commissioner of Insurance and Banking, certification that the foregoing is a true and correct copy of the license, and date filed with the clerk.	Retain five years after license has expired, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-031 Jury Service List —List made by clerk of court when jury is discharged, showing name of juror, date issued, days of service, term of court, and amount claimed. This may be simply a listing of jurors' names, dates served, and amount due each juror. This list is to be delivered to the county clerk.	Retain five years, then destroy.	T.C.A. § 18-6-105. Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-032 Marriage Applications, Notices, and Affidavits —Applications for marriage licenses showing date of application, names, ages, and addresses of contracting parties, names and addresses of female's parents, guardian, or next of kin, affidavit as to truthfulness of statements, signature of male applicant, and acknowledgment of the clerk; also copies of notice of filing application which the clerk mails to the parents, guardian, or next of kin of female applicant; affidavit as to girl's age showing name of affiant, relation to female applicant, name and correct age of said applicant, date of affidavit, signature of affiant, and acknowledgment of the clerk, justice of the peace, or notary public.	Retain 10 years, then destroy.	Keep in case a controversy arises.
02-033 Marriage Bonds and Oath —Original bonds executed by applicants for marriage licenses showing names of principal (groom) and sureties, amount of bond, names of contracting parties, condition of the obligation, date bond executed, and signatures of principal and sureties; oath states that both contracting parties are over 18 years of age, showing signature of affiant, date, and acknowledgment of the clerk.	Maintain five years in office, then transfer to library or archives for historical preservation at the discretion of the public records commission.	Keep in office case a controversy arises. Retained for longer period for historical purposes. May have significant historical or genealogical value because of the names of bondsmen.
02-034 Marriage Files —Files may contain statements of permission, blood test reports, and returned licenses showing names of contracting parties, date issued, signature of the clerk, date ceremony was performed, name of officiant, date of return, and date recorded in marriage record.	Retain statements of permission 10 years, then destroy. Retain returned licenses permanently. Blood test reports are obsolete and may be destroyed.	Retention period based on estimated need or interest of parties to the marriage and historical significance.
02-035 Marriage, Record of —Record of marriage licenses issued and returned showing number of license, date and place of marriage, names of contracting parties, color, age, birthplace, and residence of each; occupation of	Permanent record.	Keep for historical purposes.

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
groom, name and official status of person performing ceremony, names and addresses of at least two witnesses, and date recorded.		
02-036 Military Service, Register of —Register of servicemen from county who served in World War I, showing name and address, date and place of birth, color, name and address of wife, branch of service, date and point of enlistment, date sworn in, company or vessel assigned to, and name of nearest relative to be notified in case of accident or death.	Permanent record.	Keep for historical significance.
02-037 Miscellaneous Bonds —May include bonds made by loan companies, pawn shops, bus companies, etc., showing names of principal and sureties, amount of bond, date executed, condition of the obligation, and signatures of principal and sureties.	Retain individual bonds three years after expiration, replacement, or release of the bond, or termination of the business, then destroy, provided all liabilities are liquidated. These provisions should apply to all bonds in bound volume before volume is destroyed.	Keep in case claims or controversies arise relative to these bonds.
02-038 Motor Vehicle License Reports —Reports to the state of vehicle licenses issued and showing for each issue the information given in the Motor Vehicle Registration Certificate listed below.	Retain five years from date of creation, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-039 Motor Vehicle License Sales Report Audits	Retain five years from date of creation, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-040 Motor Vehicle Registration Certificates — Copies of motor vehicle registration certificates showing make and class of car, license number, fees, motor number, year model, body type, evidence of title, previous year license number, owner's name and address, and signature of the clerk.	Retain five years from date of creation, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-041 Motor Vehicle Title Applications — Copies of motor vehicle title applications showing title number, manufacturer's identification number, make, year, model, body type, date purchased, whether new or used, number of cylinders, name and address of applicant, former title or registration number, state, license number, county number, lien information, signature of owner, fees, date of application, and acknowledgment of the clerk.	Retain five years from date of creation, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-042 Motor Vehicle Title Application Reports — Copies of reports to the state showing, for each vehicle application, the information in the Motor Vehicle Title Application listed above.	Retain five years from date of creation, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-043 Motor Vehicle Transfer Certificates — Copies of motor vehicle transfer certificates showing make and type of vehicle, horsepower, model, motor number, name and address of owner, to whom transferred, amount of fee collected and remitted to the state, date	Retain five years from date of creation, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
of transfer, date of report, and signature of the clerk.		
02-044 Motor Vehicle Transfer Reports —Copies of reports to the state showing, for each vehicle transfer, the information given on the Motor Vehicle Transfer Certificate.	Retain five years from date of creation, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-045 Notaries Public, Affidavits of	Prior to 1858, preserve permanently; after 1858 the state has record of all commissions. Counties should retain those records until expiration of commission, then destroy.	Current records kept for period based on term of commission of notary. Older records kept for historical purposes.
02-046 Notaries Public, Record of Commissions —Recorded copies of commissions granted to notaries public showing name of notary, date of appointment, name of governor issuing commission, date of issuance, signatures of governor and secretary of state, date, and certification of county court clerk.	Prior to 1858, preserve permanently. After 1858, state has record of all notary commissions; retain until expiration of last recorded commission, then destroy.	Keep for historical purposes.
02-047 Notaries Public, Registers of —List of notaries public showing dates elected and qualified and expiration of term.	Preserve registers with entries prior to 1858 permanently; destroy registers with all entries after 1858 after expiration of latest recorded commission.	Keep for historical purposes.
02-048 Official Bonds and Oaths —Loose and bound original and recorded copies of the bonds and oaths of all officials required to file official bonds and/or oaths with the county clerk. Originals of many of the official bonds of county officials and constables have been deposited with the state comptroller of the treasury since 1957. Bonds generally show name of principal and sureties, amount of bond, date executed, condition of the obligation, date acknowledged and approved, signatures of principal, sureties and attorney-in-fact for bonding company, if any.	Maintain for 10 years after term covered by bond.	Keep in case of claims or controversies arise relative to these bonds.
02-049 Pauper's Oaths to do Business Without License —Affidavits of ex-servicemen made for the purpose of obtaining free ad valorem or privilege license, showing duration of service, nature of disability, if any, amounts of affidavit, signature of affiant, and clerk's acknowledgment.	If license is granted, retain until expiration of license and 10 years thereafter, then destroy; if license not granted, retain one year, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-050 Pawnbroker's Licenses, Applications for and Related Records —Record of application for pawnbroker's license, related affidavits and certificates, copies of bonds or insurance policies.	Retain five years after licenses is terminated, then destroy.	Permits do not expire after a certain term. Keep record for audit purposes and to maintain accurate record of licensed pawnbrokers.
02-051 Personnel Policies —County-wide personnel policies and policies of county offices that are required by T.C.A. § 5-23-101, et seq are required to be filed with the county clerk's	Retain permanently.	T.C.A. § 5-23-101, et seq.

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
office.		
02-052 Powers of Attorney, Record of —Record of legal appointment of persons to act as agents for individuals or estates in such matters as signing documents, giving receipts, making sales, and collecting and disbursing funds; shows names of appointee and person making the appointment, date of appointment, notarization, date of recording, and signature of the clerk.	Permanent record. Note, however, that these instruments are now recorded in Register's office. The clerk will only have old records.	Record may be significant for estates and land titles. May also have historical significance.
02-053 Privilege License Books (See also Business Tax Records)—Duplicates of licenses issued to individuals or firms exercising taxable privileges, showing date issued, license number, name of licensee, amount of tax collected, privilege authorized to exercise, and clerk's signature.	Retain until last license in book expires and five years thereafter, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)). Note: There may be a confidentiality issue for certain items depending on the nature of the record.
02-054 Probate Deed Books —Record of deeds probated, showing names of parties, date of deed, date filed, amount of consideration, number of acres, location by civil districts, kind of deed, before whom acknowledged, state tax, and clerk's fee. May be called "Acknowledgment of Deeds Book."	Permanent record.	Has bearing on land title.
02-055 Probate Court Records Generally	See listing under clerks of court and clerks and masters Bonds and coupons may be destroyed after the audit is complete for the fiscal year during which the bonds were duly paid and canceled.	
02-056 Railroad Bonds, Record of —Record of bonds issued to railroads by counties showing bond number, date issued, amount of bond, coupons paid and canceled by years, and remarks.	Follow procedures in T.C.A. § 9-21-123.	
02-057 Real Estate Applications, Licenses, and Bonds —Real estate agents' and salesmen's applications showing name of agent or salesman, purpose of application, residence and business address of applicant; copies of licenses showing number, name of agent or salesman, names of chairman and secretary of State Board, date license issued, date recorded, and signature of the clerk; bonds showing names of sureties, date and amount of bond, condition of the obligation, and signatures of principal and sureties. May be loose records or bound.	Destroy applications and licenses five years after expiration, or five years after expiration of all records in bound volumes; retain bonds five years after expiration, replacement, or release, then destroy after last bond in volume has expired.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-058 Reports of County Officials, Institutions, Commissions and Committees —Reports submitted to the quarterly court containing data on finances, work performed, plans, personnel, etc. Some reports submitted annually at the end of the fiscal year. These reports should be recorded in the county legislative body's minutes.	If reports are not recorded, preserve permanently one copy of annual reports, or if there is no annual report, preserve permanently one copy of all monthly, quarterly, or semiannual reports.	The county clerk's office serves as a repository of these reports which serve as a historical record of the operation of the various offices, institutions, commissions and committees of the county.
02-059 Revenue Dockets —General ledger accounts of all revenue collected by the clerk as a state registrations' agent and as clerk of the quarterly and probate courts, showing date of transaction, name of firm or individual, nature of transaction, duration of license, distribution of tax to state and county funds, total amount of	Retain 10 years after Clerk's tenure is broken, then destroy. NOTE: amount of tax paid should be kept confidential.	Keep for audit purposes (T.C.A. § 10-7-404(a)).

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
<p>tax paid, and clerk's fee.</p> <p>02-060 Road Appointment (Commissioner's Books)— Record of appointments of road overseers, showing road district number, name of road, road terminals, width and other specifications, name of overseer, date of appointment, page number of recording in minute book, names of road hands assigned, and remarks; may also contain settlements of clerk and treasurer of the road commission in each road district with county court clerk showing date of settlement, amount received from county, disbursements for labor, material, repairs, and purchases of new tools and equipment. These books may also be called "Settlements with Overseers."</p>	Permanent record. No longer being created.	Keep for historical purposes.
<p>02-061 Road Contracts and Bonds—Contracts entered into between the road commissioners and county judge and road contractors for the upkeep of roads in the several districts. May include bonds of contractors guaranteeing compliance with terms of contract, showing names of principal and sureties, description and terminals of road section involved, date of bond, and signatures of principal and sureties.</p>	Retain contracts until expiration of guarantees, then destroy. If no guarantees are involved, destroy seven years after completion of contract. Retain bonds seven years after release, replacement, or expiration.	Based on statute of limitations for breach of contract actions plus one year (T.C.A. § 28-3-109).
<p>02-062 Road Orders, Record of—A record of court orders in connection with road work. Orders of the court include the appointment of road over-seers and juries of view which serve in condemnation proceedings; also authorizations for changes in road classifications.</p>	Permanent record.	Keep for historical purposes and useful in establishing county land rights under condemnation proceedings.
<p>02-063 School Census Records (May be called "Report of Common School Commission")—</p> <p>Record may show certification of election of school commissioners, names of commissioners, date elected, lists of the scholastic population of each civil district, and the total amount of funds payable to each district by the trustee.</p>	Permanent record.	Keep for historical purposes.
<p>02-064 Tax Lists—Tax lists of captains' companies and civil districts, showing name of property owner, number of slaves owned, value of slaves, personal property owned, value of personal property, and district name or number.</p>	Permanent record.	Keep older records for historical purposes.
<p>02-065 Title Pledge Lender's Licenses, Applications for and Related Records—Record of application for title pledge lender's license, related affidavits and certificates, copies of insurance policies.</p>	Retain five years after permit is terminated, then destroy.	Permits do not expire after a certain term. Keep record for audit purposes and to maintain accurate record of licensed pawnbrokers.
<p>02-066 Voters, Register of (Reconstruction Period)—A register of persons qualified to vote under a Reconstruction measure of 1865 which disfranchised all but unconditional Unionists, showing oath taken, list of qualified voters, and a statement as to whether they voted.</p>	Permanent record.	Keep for historical purposes.

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
02-067 Vouchers —Authority to issue warrants for payment of invoices which may be attached.	Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-068 Voucher Stubs —Stubs of vouchers issued showing date issued, amount, payee, and for what purpose.	Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-069 Warrants —Canceled warrants showing date issued, warrant number, amount of warrant, name of payee, and purpose of payment.	Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-070 Warrants, Registers of —Record of warrants issued showing warrant number, name of payee, purpose of payment, date issued, and amount of warrant.	Retain five years after last entry, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
02-071 Wheel Tax Receipts —Receipts on tax imposed on privilege of operation of a motor vehicle in the jurisdiction.		
	Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).

REGISTERS OF PROFESSIONALS

02-072 Chiropractors, Register of —Recorded copies of certificates of license issued to chiropractors, showing number of certificate, name of chiropractor, date of approval, date of certificate, signatures of president, secretary, and members of examining board; it shows date recorded and signature of the clerk.	Permanent record.	Keep for historical purposes.
02-073 Dentists, Register of —Register of dental certificates issued by the State Board of Dental Examiners showing name of dentist, date issued, signatures of president and secretary of examining board, date of registration, and signature of the clerk.	Permanent record.	Keep for historical purposes.
02-074 Nurses, Register of —Recorded copies of license certificates issued to graduate nurses, showing name of nurse, certificate number, date issued, names of the president and secretary of State Nursing Board, date recorded, and signature of the clerk.	Permanent record.	Keep for historical purposes.
02-075 Optometrists, Register of —Recorded copies of license certificates issued to optometrists, showing number of certificate, name of optometrist, date of approval, date of certificate, signatures of president, secretary and members of examining board, date recorded, and signature of the clerk.	Permanent record.	Keep for historical purposes.
02-076 Osteopaths, Register of —Recorded copies of licenses issued to osteopaths showing time, date, training and address.	Permanent record.	Keep for historical purposes.
02-077 Physicians', Register of —Recorded copies of license certificates issued to	Permanent record.	Keep for historical purposes.

Retention Schedule for County Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
<p>physicians, showing license number, names of physician and college from which graduated, date of diploma, date license issued, names of president, secretary and members of State Board; amount of license fee, clerk's fee, date recorded, and signature of the clerk. These registers may only show the name of physician, date of certificate, graduation date and school name, if a graduate, or date of commencing practice if non-graduate, and remarks.</p> <p>02-078 Veterinarians, Register of—Recorded copies of certificates of license issued to veterinarians, showing name and age of licensee; name of college from which graduated, Permanent record. date certification issued, names of president, vice president, and secretary and treasurer of the examining board; also shows date recorded.</p>		<p>Keep for historical purposes.</p>
OBSOLETE RECORDS OF THE COUNTY CLERK		
<p>02-079 Assignments—Assignments or inventories of property of bankrupt firms or individuals and bond of trustees named in assignments.</p>		<p>Permanent record and must be retained, but this record is now obsolete.</p>
<p>02-080 Commitment Records—Loose file original records of commitments of persons to state hospitals, homes, and schools showing name of person, place of birth, age, color, sex, date of commitment, length of residence in county, name and address of nearest relative or guardian, and remarks. These records are recorded in the court minutes.</p>		<p>Destroy (obsolete).</p>
<p>02-081 Dog Registers—Record of collection of registration fees on dogs showing name and address of owner, amount of fee, name and description of dog, date of registration, tag number, and signature of clerk. This is an obsolete record.</p>		<p>Destroy (obsolete).</p>
<p>02-082 Jail Accounts—Reports by the sheriff to the county judge on amount due for boarding prisoners, showing name of sheriff, month for which board is due, name of prisoner, offense charged, number of days boarded, rate per day, number of turnkeys, total amount due, final disposition of case, signatures of sheriff and officer before whom acknowledged, and date of report.</p>		<p>Destroy (obsolete).</p>
<p>02-083 Liquor Shipments, Record of—Statements from express companies on shipments of liquor received from other states, showing date received, date shipped, destination, kind of liquor, quantity, name and address of shipper, waybill number, name and address of consignee, and to whom delivered.</p>		<p>Destroy (obsolete).</p>
<p>02-084 Merchant's Bonds and Oaths—Loose file and bound original bonds and oaths of merchants who have applied for license to engage in a business, showing names of principal and sureties, amount and date of bond, condition of the obligation, signatures of principal and sureties, and approval of the clerk. Oath shows greatest cash value of stock during the year, smallest cash value during the same period, aggregate amount of stock in hand during the year, amount of insurance on stock, amount of capital employed for the purpose of trading, dates covered, date submitted, signature of merchant, and acknowledgment of the clerk.</p>		<p>Also an obsolete record, but may have historical significance for identifying merchants and businesses operating in the county in the past. There is no need to maintain in the office, but record should be transferred to a library or archives at the discretion of the public records commission instead of being destroyed.</p>
<p>02-085 Merchant's Statements, Record of—Recorded copies of statements of merchants or corporations made under oath upon expiration of license, showing largest and smallest amounts of capital</p>		<p>See Merchant's Bonds and Oaths, above.</p>

OBsolete RECORDS OF THE COUNTY CLERK

invested during the period covered, date of period covered, date sworn and subscribed to before the clerk, and signatures of clerk and affiant; also statement of additional taxes due, if any; shows purpose of assessment, kind of tax, amount, clerk's fee, total tax, clerk's receipt for payment showing date for same and signature of clerk or deputy.

02-086 Motor Vehicle Dealer's Sales Reports—Dealer's weekly reports on sales of motor vehicles showing date of sale, make of vehicle, motor number, license number, whether new or used, name and address of purchaser, date of report, name of company, and signature of person making report. These are probably, in most cases, obsolete records.

Destroy (obsolete).

02-087 Motor Vehicle Identification Certificates, Register of—Register of identification certificates issued to automobile owners showing identification number, license number, make of car, motor number, serial number, year model, capacity, type, horsepower, number of cylinders, date certificate issued, name and address of owner, and signatures of applicant and clerk.

Retain two years after last entry, then destroy.

02-088 Motor Vehicle Identification Certificates Holder Reports—obsolete record.

Destroy (obsolete).

02-089 Operator's License Renewal Reports—Duplicates of reports submitted to the state showing for each license renewed, accounting number, name of licensee, address, license number, and tax remitted; also clerk's name, date, town, and county.

Destroy (obsolete).

02-090 Privilege License Monthly Reports—Copies of reports to the state showing, for each license sold, the information given in privilege license books.

Destroy (obsolete).

02-091 Privilege License Registers—A register of licenses issued to individuals or firms exercising taxable privileges, showing name of individual or firm, amount of bond required, date license issued, expiration date, amount of fee, and type of privilege.

Also an obsolete record, but may have historical significance for identifying merchants and businesses operating in the county in the past. There is no need to maintain in the office, but record should be transferred to a library or archives at the discretion of the public records commission instead of being destroyed.

02-092 Railroad Assessments—Assessments for railroads made by the state, a copy of which is sent to each county through which various railroads have rights-of-way.

Destroy (obsolete).

02-093 Railroad Taxes Collected, Record of—Records of a special tax collection showing date of collection, period for which payment of tax is made, names of railroad and authorized agent, and amount of collection. These taxes were used to retire bonds issued to railroads by the county.

Destroy (obsolete).

02-094 Realty Transfer Tax Collections, Record of—Record of collection of state tax on real estate transfers, in cases where deed was acknowledged other than by county court clerk, showing date, amount of tax collected, valuation of property, names of grantor and grantee, amount of tax, and date of acknowledgment; may be called abstracts or conveyances.

Destroy (obsolete).

02-095 Road Hand and Tax Books—Record of property owners electing to serve as road hands as an alternative to payment of the road tax, showing name of property owner and amount of assessment.

Destroy (obsolete).

02-096 Tippler's Bonds and Oaths—Loose file and bound original bonds and oaths of persons engaged in the sale of spirituous and alcoholic liquors.

Destroy (obsolete).

02-097 Tippler's Licenses—Stubs of licenses issued to retain liquor dealers, showing name and location of business, total amount paid, license, fees, and date of expiration.

Also an obsolete record, but may have historical significance for identifying merchants and businesses operating in the county

OBSELETE RECORDS OF THE COUNTY CLERK

in the past. There is no need to maintain in the office, but record should be transferred to a library or archives at the discretion of the public records commission instead of being destroyed.

02-098 Tippler's Revenue Books—Record of state tax paid by tippler, showing name, address, date of expiration, and date of bond.

Destroy (obsolete).

County Election Commission Records Retention Schedule

Reference Number: CTAS-2057

County Election Commission Records. The records included in this schedule are only those specific to the office of the County Election Commission. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record. Contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for County Election Commission

Description of Record	Retention Period	Legal Authority/ Rationale
09-001 Absentee ballots, application for —Record of voter applications for absentee ballots.	If federal election, keep 22 months then destroy. For other elections, retain six months after election then destroy.	42 U.S.C.A. § 1974 <i>et. seq.</i> T.C.A. § 2-8-108.
09-002 Absentee Voters, list of	Retain four years after election, then destroy.	Retention period based on standard election cycle.
09-003 Audit of Election Results	Retain four years after election, then destroy.	Retention period based on standard election cycle.
09-004 Ballots (paper)	If federal election, keep 22 months then destroy. For other elections, retain six months after election then destroy.	42 U.S.C.A. § 1974 <i>et. seq.</i> T.C.A. § 2-8-108.
09-005 Ballots (sample)	Retain four years after election, then destroy.	Retain in order to assist in developing ballot materials for next election cycle.
09-006 Candidate Lists —Lists of candidates participating in the election.	Retain four years after election, then destroy.	Retention period based on standard election cycle.
09-007 Certificate of Election —Copies of original certificate provided to elected officials.	Retain four years after election, then destroy.	Retention period based on standard election cycle.
09-008 Certification of Political Party Nominees —Lists of nominees qualified for placement on the ballot by certification of their names by their political party.	Retain four years after election, then destroy.	Retention period based on standard election cycle.
09-009 Death Notices —Monthly report from the state election coordinator notifying the County Election Commission of all person of	Retain two years then destroy.	Keep for similar amount of time as purged registration records.

Retention Schedule for County Election Commission

Description of Record	Retention Period	Legal Authority/ Rationale
voting age who dies with an address in their county.		
09-010 Election Commission Correspondence, General	Retain four years, then destroy.	Keep for term of office of members of the election commission.
09-011 Election Commission correspondence, Policy and Procedures —Any records of election commission correspondence that involve policy decision or procedural actions.	Permanent record.	Can be important information in the case of litigation or disciplinary action.
09-012 Election Commission, Meeting Agenda and Election Notices — Records of the agenda of election commission meetings and election notices.	Permanent record.	May be of historical significance.
09-013 Election Commission Minutes — Recorded minutes of the proceedings of election commission meetings.	Permanent record.	T.C.A. § 2-1-113.
09-014 Election Results	Permanent record.	Has historical significance.
09-015 Financial Disclosure Statements and Supplemental Reports —Statements supplied by the candidates indicating campaign incomes and expenditures.	Retain five years from date of receipt, then destroy. Retain supplemental reports five years after receipt, then destroy.	T.C.A. § 2-10-103.
09-016 Financial Records —Financial records of an individual election, which would include expenses in operating an election poll, ballot and election printing, voting machine expenses, payment to poll workers, and other miscellaneous items.	Retain five years from date of creation, then destroy unless part of an ongoing audit or investigation.	These records are necessary for audit and review purposes (T.C.A. § 10-7-404).
09-017 Financial Records, Budget — Copy of annual budget of election commission.	Retain five years from date of creation unless part of an ongoing audit or investigation.	These records are necessary for audit and review purposes (T.C.A. § 10-7-404).
09-018 Legal Records —Judicial opinions, court cases, litigation files, etc.	Permanent record.	May have administrative or historical significance.
09-019 Official Statement of Results	Retain four years after election, then destroy.	Retention period based on standard election cycle.
09-020 Personnel Records	See retention schedule 16 in this manual.	See retention schedule 16.
09-021 Poll Books (Duplicate) — Record of individuals who voted in a particular election. Usually in the form of a book in manual counties; in the form of a computer print-out in computerized counties.	Manual poll books are sent to the secretary of state to be stored for nine years with a duplicated filed with the county clerk to be stored for four years. Computer printouts are also sent to the secretary of state for nine years with a duplicate going to the county clerk for six yrs. See also Voter Signature List.	T.C.A. § 2-9-107.

Retention Schedule for County Election Commission

Description of Record	Retention Period	Legal Authority/ Rationale
09-022 Poll Worker Records— Record of individuals who worked at the polls during a given election.	Retain four years after election, then destroy.	Retention period based on standard election cycle. May aid in finding workers again.
09-023 Precinct Maps— Geographical descriptions of polling units.	Permanent record.	Possible historical significance.
09-024 Public Notices— Copies of all public notices published by the election commission.	Retain four years after election, then destroy.	Retention period based on standard election cycle. May be useful in future elections.
09-025 Purchasing Records	See retention schedule 15 in this manual.	See retention schedule 15.
09-026 Purged Voter Cards— File of records regarding voter registrations that have been removed from the permanent registration file for reasons provided in election statutes.	Retain two years, then destroy. Individual election commissions may choose to maintain these records permanently on microfilm or in electronic format.	T.C.A. § 2-2-134.
09-027 Qualifying Petitions— Petitions that candidates file with the election commission in order to qualify to be placed on the ballot.	If federal election, keep 22 months then destroy. For other elections, retain six months after election then destroy.	Keep for same period as records regarding ballots. 42 U.S.C.A. § 1974 <i>et. seq.</i> T.C.A. § 2-8-108. May have legal significance until completion of next reapportionment. May assist in next reapportionment.
09-028 Reapportionment Records	Keep until next reapportionment, then destroy.	
09-029 Register of Poll Watchers— Register of individuals appointed by candidates, political parties, or organized citizens groups to observe and guard against electoral abuse.	Retain four years, after election, then destroy.	Kept for standard election cycle.
09-030 Staff Reports— Reports including statistical info and activity reports.	Retain four years, after election, then destroy.	Kept for standard election cycle.
09-031 Tabulation of Election Results	Permanent record.	Has historical significance.
09-032 Voter Registration by Mail, List— List of voters who have registered by mail.	Working paper. Maintained until posted in permanent file, then destroy in accordance with rules of the Public Records Commission. Maintain records in inactive status until information is received confirming that a registration should be re-activated or purged or until the passage of the second regular November election following the mailing of the confirmation notice.	T.C.A. § 2-2-116. T.C.A. § 10-7-406(b).
09-033 Voter Registration Records, Inactive Tiles— Voter registration records for voters who have been sent a confirmation notice pursuant to T.C.A. § 2-2-106.		T.C.A. § 2-2-106.
09-034 Voter Registration Records, Verification/Confirmation Programs— Any records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of voter registration files. Include lists of the names and addresses of all persons to whom	Keep for two years, then destroy.	42 U.S.C.A. § 1973gg-6.

Retention Schedule for County Election Commission

Description of Record	Retention Period	Legal Authority/ Rationale
confirmation or verification notices are sent and information concerning whether or not each person has responded to the notice.		
09-035 Voter Signature List	Keep for six years, then destroy.	T.C.A. § 2-8-107.
09-036 Voting Machines, Records of— Records of purchase, maintenance, and disposition of voting machines.	Retain for five years after disposition of machine, then destroy.	Keep for administrative purposes and for audit and review purposes(T.C.A. § 10-7-404).
09-037 Voting Machine Keys, Record of	Retain six months after election.	Keep with ballot items (T.C.A. § 2-7-137).

County Mayor Records

Reference Number: CTAS-2051

County Mayor Records. The records included in this schedule are only those specific to the office of the county mayor. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules elsewhere in this manual. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. Since the County Mayor may supervise different departments from county to county, you may find some records of interest to the county mayor in the retention schedule for Accounting, Purchasing and Miscellaneous Records. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for the Office of the County Mayor

Description of Record	Retention Period	Legal Authority/ Rationale
03-001 Accounts Paid Files and Ledgers— Paid invoices filed by vendor showing company, date, amount, date paid, and warrant number. Ledgers show name of vendor, amount of each invoice, amount paid on each account, and amount outstanding.	Retain five years after creation, then destroy.	Keep for audit and review purposes (T.C.A. § 10-7-404(a)).
03-002 Audits, Annual— Audit reports of the offices of county judge, county mayor, trustee, county clerk, register of deeds, circuit court clerk, clerk and master, sheriff, school superintendent, highway chief administrative officer and other offices. Audit reports show name of offices, name of fund or account, account of all receipts and disburse-ments, date of audit, and signature of auditor.	Preserve one copy of all audits at least 25 years.	Keep for historical purposes and audit and review purposes (T.C.A. § 10-7-404(a)).
03-003 Bids (On Equipment and Supplies)— Shows bidder's name, complete description of item(s), delivery date, amount of bid, and correspondence with bidder.	Successful bids—retain seven years after contract expires, then destroy.	Based on statute of limitations for breach of contract actions plus one year (T.C.A. § 28-3-109).

Retention Schedule for the Office of the County Mayor

Description of Record	Retention Period	Legal Authority/ Rationale
	Unsuccessful bids—retain one year after audit, then destroy. Unless under the 1957 Purchasing act in which case they should be kept five years.	Keep record of unsuccessful bids in case of challenge to bid process (T.C.A. § 5-14-108(g)).
03-004 Bills of Costs —Certified bills of costs in criminal cases submitted for payment by the circuit court clerk, showing names of plaintiff and defendant, offense charged, date of initial action, items of cost, amount of each, date process issued, signature of officer issuing warrant, date filed with circuit court clerk for trial, clerk's certification, date judgment paid, and number of warrant issued in payment.	Retain five years after close of case, then destroy.	Keep for audit and review purposes (T.C.A. § 10-7-404(a)).
03-005 Bonded Indebtedness, Record of — Register book or other accounting showing bond issue, date, and amount set up by year; as bonds and coupons are returned, these are shown in the book.	Permanent record.	Important record of county debt and borrowing.
03-006 Bonds and Coupons	Bonds and coupons may be destroyed after the audit is complete for the fiscal year during which the bonds were duly paid and canceled.	Based on procedures established in T.C.A. § 9-21-123.
03-007 Budget Records and Reports — These pertain to the general fund and highway fund, debt service fund, and general purpose school fund and all other county funds. They show anticipated revenues, anticipated expenditures for the year, and fund balance at the end of the year.	Annual budget preserved permanently in county legislative body minutes. Retain other budget records and reports five years, then destroy.	Temporary record. Keep for audit purposes (T.C.A. § 10-7-404(a)).
03-008 Contracts —Contracts between county and contractors for construction work, showing name of contractor, date, building specifications, and amount of consideration.	Retain seven years or until expiration of guarantees, then destroy. If no guarantees are involved, destroy seven years after completion of contract.	Based on statute of limitations for breach of contracts (T.C.A. § 28-3-109).
03-009 Easements, Highway Right-of-way — Shows signature of property owner, date, width of easement, and name of road.	To be recorded as a permanent record in register's office. Other copies may be destroyed.	Additional copies are temporary records. Recorded copy is necessary to preserve county property rights.
03-010 Federal Occupational Health and Safety Administration Reports —Annual reports of accidents, inspection, etc.	See listing for OSHA records under the separate retention schedule in this manual for employment records.	
03-011 Federal Revenue Sharing Records — Actual use reports, notices of public hearings, calculation form (SRS9), basic grant records, etc.	Retain five years after creation of record, then destroy.	Keep for audit and review purposes (T.C.A. § 10-7-404(a)).
03-012 General Ledger Accounts	See retention schedule 15 for General Accounting and Purchasing Records.	
03-013 Highway Commission Minutes (If County Mayor serves as Chairman) — Minutes of monthly and other meetings showing actions on any	Permanent record.	Actions recorded in minutes are effective until superceded or rescinded. Also keep for historical purposes.

Retention Schedule for the Office of the County Mayor

Description of Record	Retention Period	Legal Authority/ Rationale
improvements, rebuilding of roads and bridges, awarding bids on equipment for the highway department, and setting salaries for department personnel.		
03-014 Insurance Policies —Policies insuring county and/or its departments against risk of loss.	Retain seven years after expiration or replacement by new policy, then destroy, provided all claims on the policy have been settled.	Based on statute of limitations for breach of contract actions (T.C.A. § 28-3-109).
03-015 Invoices	Refer to Accounts Paid Files and	Ledgers, above.
03-016 Mutual Aid Records —Records regarding requests for assistance during emergencies or disasters or responses to requests for assistance, including invoices for reimbursement as required by T.C.A. §§ 58-5-105 and 58-8-111	Retain five years after occurrence.	Keep in case of tort liability or worker's comp cases arise and for audit purposes. Also kept in case event is eligible for FEMA reimbursement.
03-017 Payroll Records	See separate retention schedule elsewhere in this manual.	
03-018 Receipt Books — Shows name, reason for payment, date, and account from which money came.	Retain five years after issuance of last receipt, then destroy.	Keep for audit and review purposes (T.C.A. § 10-7-404(a)).
03-019 Receivable Warrant Books —Stubs or duplicates of warrants issued for money received by the county, showing date, warrant number, amount, from whom received, and to whom distributed.	Retain five years after last entry, then destroy.	Keep for audit and review purposes (T.C.A. § 10-7-404(a)).
03-020 Relief Orders —Record of orders given by the Relief Committee to needy persons and families to be honored by merchants for merchandise and charged to the county.	Destroy annually after audit. (This record series is obsolete in many counties).	Temporary record. Of no use after audit is completed.
03-021 Reports of County Officials — Monthly, quarterly, and annual reports submitted by the various county officials showing revenue and fees collected, reports on persons to whom payments are due for services rendered as jurors, and as court officers; also reports of highway department chief administrative officer and other officials when required by law. These reports should be recorded in the minutes of the county legislative body.	Retain original reports three years, then destroy. If reports are not recorded, preserve permanently one copy of annual reports, or if there is no annual report preserve permanently one copy of all monthly, quarterly, or semiannual reports.	Useful in preparation of budgets for subsequent years. A copy should be retained in county clerk's office with legislative body minutes to cover any historical concerns. So long as that is preserved, this record may be destroyed when no longer useful.
03-022 Trustee's Cash Reconciliation Report —Shows balances at beginning of month, outstanding warrants, cash balances, warrants issued during month, warrants paid, trustee's cash, and outstanding warrants at end of the month.	Retain one year after audit, then destroy.	Keep for audit and review purposes (T.C.A. § 10-7-404(a)).
03-023 Vouchers	Refer to Accounts Paid Files and	Ledgers, above.
03-024 Warrants —Canceled warrants showing date issued, warrant number, amount of warrant, name of payee, and purpose of payment.	Retain five years, then destroy.	Keep for audit and review purposes (T.C.A. § 10-7-404(a)).
03-025 Warrant Duplicate Records (Carbon Copies) —Stubs, carbon copies, or other duplicates of warrants issued by	Retain five years, then destroy.	Keep for audit and review purposes

Retention Schedule for the Office of the County Mayor

Description of Record	Retention Period	Legal Authority/ Rationale
the county mayor in payment of general county expenses showing date issued, warrant number, amount of payment, name of payee, and account chargeable.		(T.C.A. § 10-7-404(a)).
03-026 Warrant Registers (Refer to General Ledger Accounts, above) —A record of warrants issued by the county mayor or county judge in payment of general county expenses showing warrant number, name of payee, purpose of payment, date issued, amount of warrant, and amount chargeable.	Retain for 20 years, then destroy.	Keep for audit and review purposes (T.C.A. § 10-7-404(a)).

Department of Education Records

Reference Number: CTAS-2055

Department of Education Records. The records included in this schedule are only those specific to the office of the Department of Education. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules elsewhere in this manual. Included in this table is a listing of “obsolete” records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record or the frequency of its occurrence. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record’s existence to include it in future revisions of this manual.

Retention Schedule for the Department of Education

Description of Record	Retention Period	Legal Authority/ Rationale
08-001 Accountability for 200 Days —Record details use of 200 required school days and in-service training.	Retain five years, then destroy.	Audit standard authorized by the Dept. of Educ. Admin. Rule 0520-1-2-.13 T.C.A. § 49-6-3004.
08-002 Annual Report of Professional Personnel — Report made to the Tennessee Department of Education listing alphabetically all teachers and other professional personnel in the county school system. This report shows for each professional the name of the school assigned, grades taught, whether full-time or part-time, and the number of months paid. The report also shows the number of principals, the number of teachers or other professionals in the school, kind of certificates or permits, expiration date, and data on training, experience, salary, and such other information as required by the Tennessee Department of Education.	Retain at least 10 years, before eligible for destruction. Note: This record may be useful as a back-up to payroll records for determining retirement status. Consider keeping this record 40 years if there is any question of availability or accuracy of payroll records.	Audit standard authorized by the Dept. of Educ. Admin. Rule 0520-1-2-.13.
08-003 Attendance Agreements of Out-of-District and Out-of-State Students —Agreements from the superintendent of	Retain five years, then destroy.	Audit standard authorized by the Dept. of Education’s <i>Student Membership and</i>

Retention Schedule for the Department of Education

Description of Record	Retention Period	Legal Authority/ Rationale
education regarding students attending schools out of the district and/or state in which the student resides.		<i>Attendance Accountability Procedures Manual</i> , October 1999. Audit standard authorized by the Dept. of Education's <i>Internal School Uniform Accounting Policy Manual</i> July 1, 2001.
08-004 Audits of Internal School Activity Funds— Audit report of activity funds handled by individual schools.	Retain five years, then destroy.	
08-005 Audits of Local School Departments— Audits of funds administered by superintendent of education showing date of audit, balances under previous audits, receipts and disbursements, balances carried forward, and total figures.	Retain five years, then destroy.	State Dept. of Education recommendation.
08-006 Budget, Annual Operating— Annual approved budget document conforming to standards of the Tennessee Department of Education. Document shows anticipated revenues from all sources and estimated expenditures for the fiscal year.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete. Retain for the life of the building (plus additional time if litigation could arise from a building's early demise), then destroy.	State Dept. of Education recommendation.
08-007 Building Plans— Blueprints and specifications for buildings in the county school system.	Retain three years after release, replacement, or expiration of the bond, or three years after termination of contract, then destroy.	Necessary for maintenance and operation of physical plant.
08-008 Bus Operator's Bonds (Blanket Bonds)— Yearly bonds, executed by school bus drivers acting as independent contractors, to insure faithful performance of the driver as specified in contract with the county department of education.	Retain three years after release, replacement, or expiration of the bond, or three years after termination of contract, then destroy.	T.C.A. § 41-6-2107 Keep for reasonable period of time for claims to be made against bond.
08-009 Career Ladder—Certification Recommendation Form— Record advances licensed personnel through credentializing system.	Permanent record.	Admin. Rule 0520-2-2-.07.
08-010 Career Ladder—Local Evaluation Report Form for Probationary, Apprentice, and Career Level I Teachers— Reports results of local evaluation of teachers.	Permanent record	Admin. Rule 0520-2-2-.07.
08-011 Certificates of Certificated Personnel— Permanent certificates issued to employed teachers and other certificated personnel by the Tennessee Department of Education.	Retain until employment of the person is terminated, then return to the person or to the next of kin if the person is deceased. Retain seven years or until expiration of guarantees, then destroy. If no guarantees are involved, destroy seven years after completion of contract.	Necessary record for length of employment.
08-012 Contracts, Construction— Contracts between the county education departments and contractors for construction work, showing name of contractor, date, building specifications, and amount of consideration.	Retain until seven years after termination of employment, then destroy.	Based on statute of limitations for actions for breach of contract (T.C.A. § 28-3-109).
08-013 Contracts, Employee— Contracts between board of education and all employees.		Based on statute of limitations for actions for breach of contract.

Retention Schedule for the Department of Education

Description of Record	Retention Period	Legal Authority/ Rationale
08-014 Contracts, Personal Service of Independent Contractor —Contracts between the county board of education and operators of school buses and other independent contractors.	Retain seven years after termination of contract, then destroy.	T.C.A. § 28-3-109 Based on statute of limitations for actions for breach of contract (T.C.A. § 28-3-109).
08-015 Cumulative Pupil Record —Record of each pupil in the school system, showing the pupil's name, address, parents' names and occupations, complete school record, achievement test results, health record, school activities and counselors' notes, and other information deemed appropriate by the Tennessee Department of Education.	Permanent record.	Historical document. Proof of education.
08-016 Deeds —Original deeds to school property, showing date, description, and location of property, consideration, and signature of grantor.	Permanent record.	Establishes property rights in perpetuity.
08-017 Eighth Grade Graduates Report —Duplicates of reports to the Tennessee Department of Education eligible to receive diplomas, showing year of graduation, name of school, name of student, and date of report. This record is no longer required.	Preserve permanently if information is not available in cumulative pupil record; otherwise, destroy. Current year records plus the previous three years of records must be maintained. Other records to facilitate an effective audit, whether in process or not, must be maintained. (<i>An example of this would be IASA, Title I projects which are written for five years. Toward the end of the five-year cycle, records should not be destroyed to that an effective audit can be conducted.</i>)	Historical document. Proof of education.
08-018 Federal Title Projects Records —Record of federal "title" projects of all types, including funds received and disbursed.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	Audit standard authorized by the Dept. of Educ. Admin. Rule 0520-1-2-.13.
08-019 Financial Report, Annual Public School —An annual report of the department's financial condition made to the Tennessee Commissioner of Education.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	State Dept. of Education recommendation.
08-020 Fire Safety Inspection and Similar Reports — Duplicates of reports made by the Tennessee Department of Insurance, Division of Fire Prevention, showing date, name of inspector, name and location of school condition, etc.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	Audit standard authorized by the Dept. of Education's <i>Internal School Uniform Accounting Policy Manual</i> July 1, 2001.
08-021 General Ledger Accounts —Record of all receipts and disbursements for the department, showing date of entry, amount, source of receipt or	Retain five years, unless there is an active audit or investigation, in	State Dept. of Education recommendation.

Retention Schedule for the Department of Education

Description of Record	Retention Period	Legal Authority/ Rationale
purpose of payment, amount of debit or credit, and name of account credited or charged.	which case, the records must be retained until the audit or investigation is complete.	
08-022 High School Diploma Certification and Roster of Graduates —List of graduating seniors and preparation of diplomas.	Permanent record.	Important historical value and useful for proof of graduation.
08-023 HomeSchool Registration Form —Application for conducting a home school. Approved home schools must also include test results for students at grades 2, 5, 7, and 9. Requests for waivers included in records as appropriate.	Permanent record.	T.C.A. § 49-6-3050(b)(1).
08-024 Immunization Records —Original record of immunizations must remain with each pupil's active cumulative folder. Original accompanies pupil's cumulative folder when transferring to another school. A copy of the immunization record should be kept with the pupil's inactive cumulative record.	Permanent record.	Important health record for establishing proof of immunization (T.C.A. § 49-6-5002).
08-025 Insurance Policies —Policies of all types insuring the department against various risks of loss.	Retain seven years after expiration or replacement by a new policy, then destroy if all claims on the policy have been settled.	Based on statute of limitations for breach of contract actions (T.C.A. § 28-9-103).
08-026 Inventories —Comprehensive inventory of all school assets.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	State Dept. of Education recommendation.
08-027 Invoices (Also Purchase Orders, Requisitions, Etc.) —Original invoices, purchase orders, and requisitions used in purchasing goods for the department of education.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	State Dept. of Education recommendation.
08-028 Legal Opinions and Court Decisions —Records, including correspondence, stating or referencing court decision or legal opinions dealing with or affecting the department.	Retain 20 years or until record no longer relevant, whichever is later, then destroy.	Court opinions can have continuing impact on operations.
08-029 Membership/Attendance Reports		
1. Superintendent's Membership/Attendance Report (SMAR)—district-wide report of membership and attendance in academic, vocational, special education, and adult education for each 20 day reporting period of the school year.	Retain five years, then destroy.	Audit standard authorized by the Dept. of Education's <i>Student Membership and Attendance Accountability Procedures Manual</i> October 1999.
2. Superintendent's Annual Membership/ Attendance Report (SAMAR)—district-wide year-end cumulative report of membership and attendance in academic, vocational, special education, and adult education.	Retain five years, then destroy.	
3. School-level Monthly Attendance Report— report		

Retention Schedule for the Department of Education

Description of Record	Retention Period	Legal Authority/ Rationale
of membership and attendance in academic, vocational, special education, and adult education at the school-level.	Retain five years, then destroy.	
4. Transportation Report Generated by the Membership/Attendance Information System — School-level report generated by the automated membership/attendance information system that provides statistical data on students transported.	Retain five years, then destroy.	
5. Attendance records (teachers attendance records, sign-in/out rosters, absentee lists)—Records of original entry that document student attendance on a daily basis.		
6. Average Daily Membership Special Education Options by Primary and Secondary Report — report generated by the D&A Census Program showing average daily membership of students receiving Special Education services for each 20-day reporting period of the school year.	Retain five years, then destroy.	
7. File dump from the membership/attendance information system—An electronic file dump from the membership/attendance information system data file, including demographic and event data for each student.	Retain five years, then destroy.	
08-030 Minutes, Board of Education —Record of regular and called meetings of the county board of education, showing place of meeting , date, members present, record of proceedings and action taken, date of final approval and signature of chairman and secretary.	Permanent record.	Actions recorded in minutes are effective until superceded or rescinded. Also kept for historical purposes.
08-031 Monthly Trustee's Report —Monthly record of funds collected, showing amounts distributed to the county school system, any city school system in the county, and to any special school district in the county.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete. Remain until acted upon by the board of education and if attached to minutes, then destroy; otherwise, retain three years from the submittal date, then destroy.	State Dept. of Education recommendation.
08-032 Petitions —Petitions submitted to the county superintendent or the board of education requesting that the superintendent or the board take certain actions.	Keep for reasonable time in case there are inquiries regarding the petition.	
08-033 Preliminary Report—Grades PK-12 School Report - Report made to the Tennessee Department of Education showing the school's name, the number of full-time and part-time teachers, the number of boys and girls in each grade for each school, and such other information as the state	Retain three years, then destroy.	Audit standard authorized by the State Dept. of Educ. Admin. Rule 0520-1-2-.13.

Retention Schedule for the Department of Education

Description of Record	Retention Period	Legal Authority/ Rationale
requires for school approval decisions.		
08-034 Preliminary Report—Summer School— Same as above but for summer school.	Retain three years, then destroy.	Audit standard authorized by the State Dept. of Educ. Admin. Rule 0520-1-2-.13.
08-035 Preliminary Staff Report— Report prepared by each teacher in the local school district and sent to the TN Dept. of Education. The report shows the teacher's classroom assignments period by period.	Retain three years, then destroy.	Keep for reasonable review period.
08-036 Receipts— Receipts issued by the superintendent for funds received.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	State Dept. of Education recommendation.
08-037 Reconciliation of Fund Cash to Trustee— Reconciliation of individual fund balances of the county education department to the county trustee's cash balance in the county school fund.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	State Dept. of Education recommendation.
08-038 Report of School System/School Compliance— Local school district report to the TN Dept. of Education certifying that the school district/school is in compliance with laws, rules, regulations, and minimum standards governing K-12 education.	Retain five years, then destroy.	Audit standard authorized by the Dept. of Educ. Admin. Rule 0520-1-2-.13.
08-039 Requisition for Equivalency High School Diplomas— Record of students passing GED examination and earning equivalent diplomas.	Permanent record.	Historical record. Proof of education.
08-040 School Food Service Reports— Record of all pertinent information required by the Tennessee Department of Education dealing with school food service.	Retain all items except payroll records for the current year plus the three previous years unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is completed.	<i>Records Management/Retention School Food Service Reports</i> Tenn. School Nutrition Program September 2004.
08-041 Special Education Census— Detail count of all students with disabilities with option(s) of service. This record is the basis for state and/or federal funding.	Retain three years.	Admin. Rule 0520-1-2-.09. T.C.A. § 49-10-302(c)(2). 34 C.F.R. 76.730.
08-042 Special Education—Certification of Services and Listing of Inappropriately Served and of Suspected Students with Disabilities— Court report required of number of students with disabilities in special categories.	Permanent record.	Keep in compliance with court order.
08-043 Special Education Record— A cumulative record which contains all specific information relating to the referring process, assessment, placement, and option of service for each special education child.	Retain three years after student exits the local education agency.	Admin. Rule 0520-1-3-.09. T.C.A. § 49-10-302(c)(2). 34 C.F.R. 300-573.

Retention Schedule for the Department of Education

Description of Record	Retention Period	Legal Authority/ Rationale
08-044 Statistical Report, Annual —Report submitted to the Tennessee Department of Education by the superintendent showing for each school system the grades in the schools, total enrollment, number of students previously enrolled elsewhere, net enrollment (boys and girls), total number of days present, number of days in the school session, average daily attendance, and other statistical information.	Retain three years, then destroy.	34 C.F.R. 80.42. Keep as supporting documentation for annual report required by T.C.A. § 49-1-211.
08-045 Superintendent's Report of Suspensions and Expulsions —End of year report containing statistical data on suspensions and expulsion as required by the Tennessee Department of Education.	Retain three years, then destroy.	Keep as supporting documentation for annual report required by T.C.A. § 49-1-211.
08-046 System-wide Personnel Compliance Sheet —Report shows the system-wide personnel name and teacher number for those positions for which there is a state employment standard.	Retain three years, then destroy.	Keep as supporting documentation for annual report required by T.C.A. § 49-1-211.
08-047 Textbook Reports		
a. Certification of Adoption by Local Board of Education.		
Official list of adopted textbooks.		
b. Certification of Compliance.		
Assurance that local system has furnished required textbooks to students, signed by the superintendent.	Retain six years, then destroy.	Keep for maximum length of contract with publisher (T.C.A. § 49-6-2203).
c. Plan for Estimating School System Expenditures for Library and Instructional Material and Supplies and School Health Services.		
Report details estimated expenditures for funds allocated for the items noted above.		
08-048 Transportation Report, Annual Pupil —Report to the Tennessee Department of Education giving information on the age, size, condition, etc. of school buses; average daily transported; and miles traveled.	Retain five years or until all audit exceptions have been resolved.	Admin. Rule 0520-1-5-.01.
08-049 Vehicle Maintenance Records —Record of repairs, service, etc. related to county owned vehicles.	Retain five years or life of vehicle, whichever is longer.	Keep for management purposes.
08-050 Vocational Education Final Expenditure Report —Reports final expenditures for federal reporting and any carry-over funds to be allocated.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	State Dept. of Education recommendation.
08-051 Vocational Education—Mgt. Info. Svs. (Mis) Enrollment Form —Record provides statistical data on students and class enrollment necessary for funding purposes.	Retain three years or until monitored, then destroy.	Audit standard authorized by the Dept. of Educ. Admin. Rule 0520-1-2-.13.
08-052 Vocational—Technical Education (Adult) Statistical Report —Reports class titles, student demographic information, total hours, and funding sources for adult vocational education classes	Retain three years, then destroy.	Audit standard authorized by the Dept. of Educ. Admin. Rule 0520-1-2-.13.

Retention Schedule for the Department of Education

Description of Record	Retention Period	Legal Authority/ Rationale
provided by local school districts.		
08-053 Warrants — Canceled warrants and duplicates of warrants issued in payment of county education department expenses.	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	State Dept. of Education recommendation.
08-054 Warrant Register	Retain five years, unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is complete.	State Dept. of Education recommendation.
Obsolete Records		
These are records that may have been required of this office at some point in the past. There is no current requirement for producing the record. They are included in this schedule so that you may know what to do with them if you discover old examples of these records in your office. Unless they are listed as a permanent record, it is most likely that any items in these record series can be destroyed. The original retention schedule for the record is listed.		
08-055 Census Records —Census of all school age children in the county, showing name, age, and address of child; district number, names of parents, grade in school, and name of school attended. This record is no longer required. A similar record series should be maintained permanently in the County Clerk's office.		Retain five years, then destroy; however, if these records were created prior to 1950, they should be considered for historical retention if no other similar record is being maintained by another office.
08-056 Final BEP Accountability Summary —Report showing how the local school district has spent improvement funds received from the state through the Basic Education Program (BEP).		Retain five years, then destroy.
08-057 In-school Suspension and/or Alternative School Records —Special grant records for in-school suspension and/or alternative school programs required for funding. Obsolete record.		Destroy. Obsolete record. Formerly kept five years.
08-058 Orders and Assignments by Teachers —Orders and assignments made to the county superintendent by teachers or other employees authorizing the deduction from pay of a certain amount to be paid to a bank or other financial institution according to an agreement between the teacher or other employee and the financial institution This record is probably obsolete.		This record is obsolete under existing garnishment laws. See retention schedule for employment records in this manual for more info.
08-059 Out of District Attendance Reports —Reports from the superintendent on students attending schools outside of the school jurisdiction where they reside. Obsolete record.		Destroy. Obsolete record. Formerly kept three years.
08-060 Principal's Monthly Attendance Report —Report to the county department of education giving complete account of attendance, transfers, re-entries, and absences. Obsolete record.		Destroy. Obsolete record. Formerly kept three years.
08-061 Quarterly Financial Report to County Legislative Body —Statements prepared for county legislative body each quarter of the year showing amounts in the various budget categories and the amounts expended under each category of the county education department's budget. Obsolete record.		Destroy. Obsolete record. Formerly kept five years.
08-062 Requests for Holding in Abeyance —Requests to the Tennessee Commissioner of Education for waiver of certain minimum requirements for approval of certain schools. Obsolete record.		Destroy. Obsolete record. Formerly kept five years.

Retention Schedule for the Department of Education

Description of Record	Retention Period	Legal Authority/ Rationale
08-063 School Plant Report, Annual —Report made to the Tennessee Department of Education giving information on the age, size, facilities, condition, etc. of school buildings. Obsolete record.		Destroy. Obsolete record. Formerly kept 10 years.
08-064 School Registers —A daily record showing name, grade, age and address of each pupil, name of parent(s) or guardian(s), schools attended, and record of attendance. School registers may be computerized or on paper. Obsolete record.		Permanent record. This record is no longer created, but old copies should be kept permanently.
08-065 Tennessee Foundation Report —Report of attendance in academic, vocational, and special education. This report is the basis for state funding for elementary and secondary education based on the average of the highest two of the first three months of school attendance. Obsolete record.		Destroy. Obsolete record. Formerly kept five years. (TN Dept. of Education keeps this record on microfiche).
08-066 Vocation Education—Program Enrollment and Information Sheet (Vocation Centers Only) —Record provides statistical data on class enrollment necessary for special funding.		Destroy. Obsolete record. Formerly kept three years, or until monitored.

Employment Records

Reference Number: CTAS-2063

Employment Records. Included in this schedule are all those records that an office may keep related to employment. This schedule applies to all county offices, except where a specific exception is listed in the retention schedule for that office. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record or the frequency of its occurrence. There are many different listings in this schedule that contain the same information.

Generally, the information does not have to be kept in those separate formats, it simply has to be present somewhere in the records of the office. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual. Most of the legal requirements for employment record retention come from federal laws and regulations which are cited under the legal authority for the individual record.

DO NOT PANIC ! If you read through this schedule and it appears that there are far more records required than you have, that may not be the case. The presentation of this retention schedule is somewhat different than the other schedules in this manual. The records series listed in this schedule are arranged to a certain degree according to the laws that require the record. When accessing a personnel file, you may look at the same information for a number of different purposes. For that reason, this listing is organized more on the basis of the purpose for keeping the information in a file than on a description of the file itself. Many of the listings in this schedule will be satisfied by a single record in your office. For example, there are several listings for payroll records. There are payroll records kept for Age Discrimination Act purposes, payroll records for FLSA purposes, payroll records for Title VII purposes, etc. You do not have to keep separate payroll records for these different purposes. Keep one set of records for the longest period required by any of those acts.

Retention Schedule for Employment Records—All Offices

Description of Record	Retention Period	Legal Authority/ Rationale
16-001 Advertisements Regarding Job Openings, Promotions, Training Programs or Overtime Work	Retain five years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> , 124 S.Ct. 1836 (May 3, 2004).
16-002 Age Records	Retain three years	Fair Labor Standards Act 29 CFR 516; Age Discrimination

Retention Schedule for Employment Records—All Offices

Description of Record	Retention Period	Legal Authority/ Rationale
16-003 Americans with Disability Act—Employer Records	Retain two years.	in Employment Act 29 CFR 1627.3. Same retention requirements as the Civil Rights Act of 1964 as Amended, Title VII of the Civil Rights Act 29 CFR 1602.31.
16-004 Applications, resumes or other replies to job advertisements, including temporary positions	Retain five years from date record was made or human resources action is taken, whichever is later.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> , 124 S.Ct. 1836(May 3, 2004).
16-005 Bloodborne Pathogens/Infectious Material Standard —Protects employees who may be occupationally exposed to blood or other infections materials.	See below for individual items.	
• Written exposure control plan.	Not specified—keep current and available to workers.	Occupational Safety and Health Act; 29 CFR 1910.1020 and 1910.1030.
• Medical records.	Term of employment+30yrs.	
• Training records.	Three years.	
• Employee exposure records.	Retain 30 years.	
16-006 Citizenship or Authorization to Work — Immigration and Naturalization Services Form I-9 (employment eligibility verification form) for all employees hired after November 6, 1986.	Three years from date of hire or one year after separation, whichever is later. (Minimum of three years.)	Immigration Reform Control Act 8 CFR 274A.2.
16-007 Contracts, Employment —Contracts between city and employees or independent contractors.	Retain seven years after termination of employment or contract.	Based on statute of limitations for breach of contract plus one year. T.C.A. § 28-3-109. 28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> , 124 S.Ct. 1836(May 3, 2004).
16-008 Demotion records	Five years.	
16-009 Discrimination or Enforcement Charges —Personnel records relevant to charge of discrimination or enforcement against employer, including records relating to charging party and to all other employees holding positions similar or sought after, such as application forms or performance documentation.	Until final disposition of charge or action.	Age Discrimination in Employment Act 29 CFR 1627.3(b)(3). Title VI of the Civil Rights Act 29 CFR 1602.31. Executive Order 11246.
16-010 Drug Testing Records —(As required by United States Department of Transportation).	See below for the different types of records.	Omnibus Transportation Employee Testing Act of 1991; Federal Highway Administration Department

Retention Schedule for Employment Records—All Offices

Description of Record	Retention Period	Legal Authority/ Rationale
<u>Category One Records</u>	Five years.	
Breath alcohol test with results of .02 or higher; positive controlled substance tests; documentation of refusals to test; calibration documentation; evaluation and referrals; copy of calendar year summary—		
<u>Category Two Records</u>	Two Years.	of Transportation Motor Carrier Safety Regulations 49 CFR 382.401.
Information on the alcohol and controlled substances collection process—		
<u>Category Three Records</u>	One Year.	
Negative and canceled controlled test results; alcohol test results of less than .02 concentration—		
<u>Category Four Records</u>	Two years after the individual receiving training ceases to perform those functions.	
Information on education and training.		
16-011 EEOC Information —Records kept by local governments. Any political subdivision with 15 or more employees must keep records and information which are necessary for the completion of Report EEO-4 (Local Government Information Reports) regardless of whether or not the jurisdiction is required to file a report.	Retain two years from the date of the making of the record or the personnel action involved, whichever occurs later.	29 CFR 1602.31.
16-012 Employee Earnings Records —		Age Discrimination in Employment Act 29 CFR 1627.3; Fair Labor Standards Act 29 CFR 516.5 Retention period of 70 years is due to retirement concerns and is based on approximate lifespan of employee. May destroy earlier if employee and any potential claimants are deceased.
Record of annual earning for employees. The portion of the record that needs to be kept for the life of the employee needs only to be a statement of annual earnings as a backup for retirement or social security purposes.	Keep office record for three years. After this time, microfilm or archive record and keep for 70 years.	
16-013 Employer Information Report —For political jurisdictions with 100 or more employees, and other jurisdictions with 15 or more employees from whom the Commission requests an EEO-4 report, a copy EEO-4 Form (Employer Information Report) must be kept.	Retain a copy of the most recent version of the report must at the central office for three years.	Title VII of the Civil Rights Act (29 CFR 1602.32).
16-014 Employment Tax Records	Four years after due date	Internal Revenue Code (26 CFR 31.6001-1).
16-015 Family and Medical Leave Act (FMLA) Records —Employer Records		
Regarding Leave Under FMLA for all employees. Three years. For more information regarding what records must be kept, see 29 CFR 825.500 or the CTAS publication <i>The Family and Medical Leave Act—A Guide for Local Governments</i> .	Three years.	Family and Medical Leave Act 29 CFR 825.500.

Retention Schedule for Employment Records—All Offices

Description of Record	Retention Period	Legal Authority/ Rationale
16-016 Garnishment Documents	Federal garnishment laws are enforced under the FLSA. Keep for three year period.	Fair Labor Standards Act 29 CFR 516.5.
16-017 Group Health Insurance Coverage After Certain Qualifying Events —Employers need records showing covered employees and their spouses and dependents:	Retain seven years.	Internal Revenue Code 26 CFR 54.4980B.
<ul style="list-style-type: none"> • Have received written notice of continuing group health insurance and COBRA rights • Whether the employee, spouse, and dependents elected or rejected coverage. 		
16-018 Hazard Communications (Hazardous Materials Exposure Records) —Records of any personal or environmental monitoring of exposure to hazardous materials. Records of "significant adverse reactions" to health or the environment that may indicate "long-lasting or irreversible damage," "partial or complete impairment of bodily functions," "impairment of normal activities which is experienced each time an individual is exposed." Records must contain original allegation; abstract of allegation including name and address of site that received allegation, date allegation received, implicated substance, description of alleged health effects, results of any self-initiated investigation of allegation and copies of any other required reports relating to allegation.	Thirty years for records of significant adverse reactions to employee's health; five years for all other allegations, including environmental charges; 30 years for employee health-related allegations arising from any employment related exposure.	40 CFR 717.15.
16-019 Hiring Records	Retain five years from date records are made or personnel action is taken, whichever is later.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> , 124 S.Ct. 1836 (May 3, 2004).
16-020 Insurance/Retirement Plans	Keep while plan or system is in effect, plus one year after termination of the plan.	Age Discrimination in Employment Act 29 CFR 1627.3(b)(2).
<ul style="list-style-type: none"> • Benefit plan descriptions • Supporting documentation for all required plan descriptions and any reports required to be filed under ERISA including vouchers, worksheets, receipts, and applicable resolutions. 	Retain not less than six years after filing date of documents.	Employee Retirement Income Security Act 29 CFR 2520.101-1 through 2520.104(b)-30).
16-021 Layoff Selection	Retain five years from date record made or personnel action taken.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> , 124 S.Ct.1836 (May 3, 2004).
16-022 Material Safety Data Sheets (MSDS)	No specific time—must be maintained in a current fashion.	Occupational Safety and Health Act 29 CFR 1910.1020(d)(1)(ii)(B).
<ul style="list-style-type: none"> • Employers must have MSDS on file for each hazardous chemical they use and ensure copies are readily accessible to employees in their work area. • Employer must keep records of chemicals 	Retain 30 years.	Occupational Safety and Health Act 29 CFR 1910.1020(d)(1)(ii)(B).

Retention Schedule for Employment Records—All Offices

Description of Record	Retention Period	Legal Authority/ Rationale
used, where they were used, when they were used and for how long.		Uniform Services Employment and Re-Employment Rights Act 5 CFR 1208
16-023 Military Leave Records	Retain seven years.	Note: retention period not specified by regulations. The service limit on the time an employee may spend in active duty and still be eligible for re-employment can be up to five years.
16-024 Occupational Injuries and Illness Records	Retain five years following the end of the year to which records relate.	Occupational Safety and Health Act 29 CFR 1904.
<ul style="list-style-type: none"> • <i>Log and Summary of Work Related Injuries and Illnesses—OSHA Form 300.</i> 		
<ul style="list-style-type: none"> • <i>Summary of Work Related Injuries and Illnesses—OSHA Form 300A</i> 	Retain five years following the end of the year to which records relate.	
<ul style="list-style-type: none"> • <i>Injury and Illness Incident Report OSHA Form 301 (effective January 1, 2002)</i> 	Retain five years.	
These forms and reports provide details on each recordable injury and illness. These records are required whether or not there are injuries.		
16-025 Older Workers Benefit Protection Act—Employer Records —Same employer record retention requirements as under the ADEA.	Retain three years.	Age Discrimination in Employment Act 29 CFR 1627.3, 29 CFR 1601.30
Waivers of ADEA rights.	Retaining waivers as a permanent record is recommended.	Retaining waivers will assure that record is available for defense of litigation in discrimination actions. 28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> 124 S.Ct. 1836 (May 3, 2004).
16-026 Payroll Records—Additions or Deductions from Records Paid —All records used by the employer in determining additions to or deductions from wages paid.	Retain five years.	
16-027 Payroll Records for Age Discrimination in Employment Act Purposes —Payroll or other records containing each employee's name, address, date of birth, occupation, rate of pay and compensation earned per week.	Retain five years.	
16-028 Payroll Records for FLSA-Exempt and Non-exempt Employees — Basic time and wage records for employee: name in full of employee; identifying number or symbol, if such is used on payroll records; home address, including zip code; date of birth, if under 19 years of age; sex and occupation; time of day and day of week on which employee's work	Retain five years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> 124 S.Ct. 1836 (May 3, 2004).

Retention Schedule for Employment Records—All Offices

Description of Record	Retention Period	Legal Authority/ Rationale
week begins, if this varies between employees—otherwise a single notation for the entire establishment will suffice; total wages paid each pay period; dates of payment and pay period covered; hours worked; rate of pay; records of overtime and comp time hours worked and premiums paid; records of any additions to or deductions from wages.		
16-029 Payroll Records for Title VII Purposes —Records regarding promotion, demotion, rates of pay or other terms of compensation.	Retain five years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> 124 S.Ct. 1836 (May 3, 2004).
16-030 Payroll Records—Records regarding basis for determining wage levels —These are additional records, outside of the scope of those records which must be kept under the FLSA, which an employer may keep in the regular course of business operations which relate to the payment of wages, wage rates, job evaluations, job descriptions, merit systems, seniority systems, collective bargaining agreements, description of practices, etc.	Any such records which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment must be kept for two years.	Equal Pay Act 29 CFR 1620.32
16-031 Personnel Files —File for each employee tracking pay, benefits, performance evaluations, personnel actions and employee’s hiring and termination.	Retain for seven years after termination. Note: Retain medical records separately in confidential file for 30 years after termination including exposure records. Retain current copy of any effective policies of the office. For policies required under T.C.A. § 5-23-101, a copy of all policies is filed permanently with the county clerk, so it is not necessary to keep copies of policies that are no longer effective. For any optional policies that are no longer effective, kept seven years after the policy is terminated..	Based on five year statute of limitations for personnel actions plus two years and OSHA; 20 CFR 1910.1020(d)(1).
16-032 Personnel Policies —Policies of the office regarding leave, benefits, procedures, etc. Certain policies are required by law under T.C.A. § 5-23-101, <i>et. seq.</i> Additional policies would be optional.		T.C.A. § 5-23-101, <i>et. seq.</i> Statute of Limitations, T.C.A. § 28-3-109.
16-033 Physical/Medical Records —Results of physical examinations considered in connection with personnel action.	One year, but see next entry.	Age discrimination in Employment Act 29 CFR 1627.3
16-034 Physical/Medical Records Under FMLA —Records and documents including an FMLA leave request relating to medical certifications, re-certification or medical histories of employees, or employee’s family members. These records must be maintained in separate files/records and be treated as confidential medical records.	Three years.	Family Medical Leave Act 29 CFR 825.500
16-035 Physical/Medical Records under OSHA —Complete and accurate records of all medical examinations required by OSHA.	Duration of employment, plus 30 years unless a specific OSHA standard	Occupational Safety and Health Act 29 CFR 1910.1020.

Retention Schedule for Employment Records—All Offices

Description of Record	Retention Period	Legal Authority/ Rationale
	provides a different time period.	
16-036 Promotion Records or Notices	Retain five years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> 124 S.Ct. 1836 (May 3, 2004).
16-037 Seniority or Merit Rating Systems	Retain five years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> 124 S.Ct. 1836 (May 3, 2004).
16-038 Termination Records	Retain five years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> 124 S.Ct. 1836 (May 3, 2004).
16-039 Transfer Records	Retain five years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley & Sons Co.</i> 124 S.Ct. 1836 (May 3, 2004).
16-040 Travel Authorizations	Retain five years after creation of record.	Kept for audit purposes.
16-041 W-2s and 941s —Copies of standard IRS forms for annual wage and tax statements, W-2 and 941.	Retain seven years.	Keep in case of tax fraud investigation by the IRS.
16-042 W-4s —Withholding allowance certificates	Retain five years after superseded or upon separation of employee.	Keep for audit purposes.
16-043 Wage Rate Tables —All tables or schedules (from their last effective date) of the employer which provide rates used in computing straight-time earnings, wages, or salary or overtime pay computation.	Three years.	Fair Labor Standards Act 29 CFR 516.6 requires two year retention, but the Department of Labor can request records going back three years.

Fire Department Records

Reference Number: CTAS-2065

Fire Department Records. The records included in this schedule are only those specific to county fire departments and related offices. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules elsewhere in this manual. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for the County Fire Department

Description of Record	Retention Period	Legal Authority/Rationale
18-001. Arson Investigation Reports	Retain 30 years or until the convicted perpetrator is released from prison, whichever is longer.	Keep for use if there is a new trial.
18-002. Bloodborne Pathogens/ Infectious Material Standard		

Retention Schedule for the County Fire Department

Description of Record	Retention Period	Legal Authority/Rationale
Protects employees who may be occupationally exposed to blood or other infectious materials.		
•Written exposure plan.	No retention period specified. Must be available to workers and kept current.	Occupational Safety and Health Act 29 CFR 1910.1030(c).
•Medical records.	*Retain for duration of employment plus 30 years.	Occupational Safety and Health Act 29 CFR 1910.1020 and 1910.1030(h).
•Training records.		Occupational Safety and Health Act 29 CFR 1910.1030(h).
•Employee exposure records.	*Retain three years.	
		Occupational Safety and Health Act 29 CFR 1910.1020 and 1919.1030(h).
	*Retain 30 years.	
18-003. Burn Permits —Record of permission granted for open burning within the city limits.	Retain two years unless issued in conjunction with a building permit, in which case, retain until certificate of occupancy granted.	General recommendation is based on statute of limitations for malicious burning plus one year. Recommendation for burn permits issued with building permits based on the increased likelihood of a lawsuit against the city before certificate of occupancy is granted. Keep to track history of property, loss claims, repeats. Retention term based on statutes of limitations for foreseeable causes of action.
18-004. Fire Incident Reports	Retain five years.	
18-005. Fire Safety Inspection and Similar Reports —Reports made by the Tennessee Department of Insurance, Division of Fire Prevention, or local fire department showing date, name of inspector, location inspected, etc.	Retain current inspection report until a new inspection report is received, as a minimum. Retaining three years is recommended.	Keep for enforcement purposes. Keeping one generation back allows the department to show a history of inspection (T.C.A. § 68-120-101(b)(3)(A)).
	*Retain until next certification completed to comply with OSHA.	Required by OSHA. 29 CFR 1910.156(b)(2) and 29 CFR 1910.135(m). Department of Labor can request information going three years back. Retention allows the fire department to show a history of testing and compliance.
18-006. Firefighter Annual Certification of Fitness to Perform Job Functions	Retaining three years is recommended.	
18-007. Firefighter Annual Facemask Fit Test Records	*Retain until next certification completed to comply with OSHA.	Required by OSHA. 29 CFR 1910.156(f) and 29 CFR 1910.135(m). Department of Labor can request information going three years back. Retention

Retention Schedule for the County Fire Department

Description of Record	Retention Period	Legal Authority/Rationale
	Retaining three years is recommended.	allows the fire department to show a history of testing and compliance.
18-008. Material Safety Data Sheets (MSDS) •Employers must have MSDS on file for each hazardous chemical they use and ensure copies are readily accessible to employees in their work area. •Employer must keep records of chemicals used, where they were used, when they were used and for how long.	No specific time— must be maintained in a current fashion. *Retain for 30 years. *Retain for duration of employment plus 30 years unless specific OSHA standard provides a different time period.	Occupational Safety and Health Act 29 CFR 1910.1020(d)(1)(ii) (B). Occupational Safety and Health Act 29 CFR 1910.1020(d)(1)(ii) (B). Occupational Safety and Health Act 29 CFR 1910.1020(d).
18-009. Physical/Medical Records —Complete and accurate records of all medical examinations required by OSHA law.		
18-010. Radio and Telephone Logs —dispatching and telephone communications with outside agencies.	Retain five years.	Keep for use in defense of lawsuits. Retention term based on statutes of limitations for foreseeable causes of action. Fair Labor Standards Act 29 CFR 516.6.
18-011. Time Worked Records —All basic time and earnings cards or sheets and work production sheets of individuals where all or part of the employee's earnings are determined.	*Retain two years.	
18-012. Training Records	Retain for duration of employment plus three years. Retain five years or life	Equal Pay Act 29 CFR 1620.32. Proof of training for ISO and OSHA.
18-013. Vehicle and Equipment Maintenance Records	of vehicle or equipment, whichever is longer.	Determination of replacement, proof of maintenance.

General Sessions Court Records

Reference Number: CTAS-2053

General Sessions Court Records. The records included in this schedule are those for the offices of the General Sessions Courts. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record or the frequency of its occurrence. This is particularly true of court records which may vary according to local rule and practice and especially confusing concerning the varying forms of docket books that courts may have utilized over the years. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Notes regarding General Sessions Court:

The General Sessions Court is not usually a court of record (exceptions to this will be discussed below).

Since it is not a court of record, the statutes found in Title 18 regarding retention of court records do not apply. The most important record for functional and historical purposes is the docket. For that reason, these are kept permanently. For other records, a period of 10 years has been designated as a reasonable period of time to allow parties who may need to revisit or research actions that were taken in General Sessions Court to have an opportunity to examine records. When General Sessions Courts function as a juvenile court, they ARE serving as a court of record. See the retention schedules elsewhere in this manual for Juvenile Records. Additionally, some General Sessions Courts were designated as courts of record by the private acts which created them. In those cases, the clerk should consult the retention schedules for courts of record to determine the proper retention period for a record.

Retention Schedule for General Sessions Court Clerks

Description of Record	Retention Period	Legal Authority/ Rationale
06-001 Forcible Entry and Detainer Process— Leading process in action to recover possession of land and tenements.	Retain 10 years, then destroy.	Keep for 10 years to allow parties to research actions in sessions court.
06-002 General Sessions Docket Book, Civil— Dockets showing date of trial, case number, names of plaintiff and defendant, decision of the court, amount of judgment, and bill of costs.	Permanent record.	Keep permanently as a basic record of the actions of the court.
06-003 General Sessions Docket Book, Criminal (State)— Dockets showing date of trial, case number, name of defendant, action of the court, name of returning officer, and list of witnesses claiming fees.	Permanent record.	Keep permanently as a basic record of the actions of the court.
06-004 Reports (General Session)— Duplicates of monthly reports to the county and the state of all revenue collected by the clerk, showing dates of quarter, from whom received or source of collection, costs, fees and mileage of witnesses, and fees, commissions and emoluments of the sheriff, his deputies, constables, game wardens, state highway patrolmen, and other officers for services to the court, the fines and forfeitures adjudged by the court, and all other funds coming into the hands of the clerk and judge.	Retain 10 years after Clerk's tenure is broken, then destroy.	T.C.A. § 10-7-404(a). Keep for audit purposes.
06-005 Warrants— Writs issued in both civil and criminal cases requiring an officer of the law to arrest the person named therein and bring him before the court to answer charges of some offense which he is alleged to have committed.	Retain 10 years after case settlement, then destroy.	Keep for 10 years to allow parties to research actions in sessions court.
06-006 Warrants and Orders, Miscellaneous— These include all other warrants and orders not specifically listed in the General Sessions Court schedule.	Retain 10 years, then destroy.	Keep for 10 years to allow parties to research actions in sessions court.
OBSOLETE RECORDS		
06-007 Justice of the Peace Civil Dockets— Dockets showing date of trial, case number, names of plaintiff and defendant, decision of the court, amount of judgment, and bill of costs. These records are now obsolete.	No longer generated but keep any existing records permanently.	Similar to execution docket (T.C.A. § 18-1-202(a)).
06-008 Justice of the Peace Criminal Dockets— Dockets showing date of trial, case number, name of defendant, action of the court, name of returning officer, and list of witnesses claiming fees. These records are now obsolete.	No longer generated but keep any existing records permanently.	Similar to appearance docket (T.C.A. § 18-1-202(a)).

Highway Department Records

Reference Number: CTAS-2058

Highway Department. The records included in this schedule are only those specific to the office of the Highway Department. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules elsewhere in this manual. Included in this table is a listing of "obsolete" records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record. Contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for the Office of the County Highway Department

Description of Record	Retention Period	Legal Authority/ Rationale
10-001 Annual Work Program for State Aid —Plans made annually projecting roads, projects, etc.	Retain one year after audit, then destroy.	T.C.A. §§ 54-4-403, 54-7-111.
10-002 Bids —All bids for goods or services, including any advertisements.	Successful bids—retain seven years after contract expires, then destroy. Unsuccessful bids— retain one year after audit, then destroy.	Based on statute of limitations for legal action for breach of contract plus one year. (T.C.A. § 28-3-109).
10-003 Bridge Project Files, Federal, State and Local — Project files, including contracts and invoices.	Retain seven years, then destroy.	Based on statute of limitations for legal actions for breach of contract plus one year (T.C.A. § 28-3-109).
10-004 County Road List —Record of all roads under the control of the county (T.C.A. § 54-10-103) and any associated maps.	Permanent record.	Necessary for operation of the office and to protect Highway Department from allegations of working on private property.
10-005 Deeds of Rights of Way, Easements, Etc. —Instruments of conveyance of interests in real property to the county so that the county may establish a roadway.	Permanent record.	Important for establishing property rights of the county.
10-006 Equipment Inventory — Record of all equipment of the highway dept. showing the manufacturer's serial number and other descriptions.	Retain five years from date of creation.	Keep for audit and review purposes (T.C.A. §§ 54-7-112, 10-7-404(a)).
10-007 Fence Row Agreement — Documentation of agreements between a landowner and the county granting permission for the highway department to push out a fence row.	Retain five years from date of creation.	Keep in case any liability or litigation arises from the action.
10-008 Grant Documentation and Files — Records and materials regarding grants applied for and/or money received through state and federal grants. These records may include info regarding monies received and expended under the litter grant program.	Retain seven years, then destroy.	Based on statute of limitations for legal actions for breach of contract plus one year (T.C.A. § 28-3-109).
10-009 Insurance Policies	Retain seven years after expiration, then destroy.	Based on statute of limitations for contracts plus

Retention Schedule for the Office of the County Highway Department

Description of Record	Retention Period	Legal Authority/ Rationale
10-010 Invoices (not part of a bridge or road project file)	Retain five years, then destroy.	one year (T.C.A. § 28-3-109). Keep for audit and review purposes.
10-011 Mining Report —Copies of quarterly report to U.S. Bureau of Mines containing information on the quantity of stone mined and the use made of the stone.	Retain five years, then destroy.	Keep for audit and review purposes.
10-012 Minutes of Bid Openings —Record of bid openings showing item vendor, bid price and whether bid was successful.	Retain five years (unless part of highway commission minutes), then destroy.	Necessary in case of challenge to bid award.
10-013 Minutes of Highway Commission Meetings	Permanent record.	Actions taken in meetings will be effective until superceded or rescinded. Record also has historical significance.
10-014 OSHA Records and other Records on Injuries	See schedule for employment records in retention schedule 16.	
10-015 Outstanding Warrants, List of	Retain one year after audit, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
10-016 Personnel Records	See schedule for employment records in retention schedule 16.	
10-017 Reports to County Legislative Body	Retain three years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)). Based on statute of limitations for legal actions for breach of contract plus one year (T.C.A. § 28-3-109).
10-018 Road Project Files —Project files, including contracts and invoices.	Retain seven years after completion of project, then destroy.	Based on statute of limitations for legal actions for breach of contract plus one year (T.C.A. § 28-3-109).
10-019 Settlement Agreements —Instruments evidencing the settlement of claims against the county highway department.	Retain seven years, then destroy.	Necessary to track inventory and maintenance of signs.
10-020 Sign Inventory —List of all traffic signs and traffic signals in the county.	Retain a current copy at all times.	Keep for management purposes.
10-021 Vehicle Maintenance Records —Record of repairs, service, etc. related to county owned vehicles.	Retain five years or life of vehicle, whichever is longer.	
10-022 Warrants (copies) and/or Warrant Book Stubs —Copies of warrants and/or stubs showing date warrant was issued, amount, payee and purpose of warrant.	Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404).
10-023 Work Orders —For repair and maintenance of roads, traffic signs, traffic signals and utilities.	Retain five years.	Possible evidence in lawsuit arising from road and bridge maintenance issues.
Obsolete Records		
10-024 Gasoline Report to State (copy) —Monthly report of number of gallons of gasoline purchased for use by the county highway department.		Destroy. This record is obsolete. There is no need to retain it.

Juvenile Court Records Retention Schedule

Reference Number: CTAS-2055

Juvenile Court Records. The records included in this schedule are those specific to the Juvenile Court. For more general court records, see the retention schedules for the Circuit, Criminal or General Sessions Courts. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. This is particularly true of court records which may vary according to local rule and practice and especially confusing concerning the varying forms of docket books that courts may have utilized over the years. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

There are a number of special considerations that should be kept in mind with records of juvenile proceedings. First of all, a juvenile court is a court of record, even when a general sessions court is exercising juvenile jurisdiction (T.C.A. § 37-1-159). It is important that a good record is maintained for the purpose of appeals (T.C.A. § 37-1-159), for transfer of the case to the county of the child's residence (T.C.A. § 37-1-112), and for hearings to determine whether a juvenile charged with delinquency should be transferred to the jurisdiction of the criminal court to be tried as an adult (T.C.A. § 37-1-134).

The second important point to keep in mind is that many juvenile records are confidential under the law. Except for juvenile traffic offenses, files and records of the court in proceedings under Title 37, Chapter 1, Part 1 are open to inspection by certain parties. Those parties are, the judges, officers and professional staff of the court exercising juvenile jurisdiction; the parties to a proceeding and their counsel and representatives; public or private agencies or institutions providing supervision or having custody of the child under order of the court; a court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a pre-sentence report in a criminal cases for defendants who were previously a party to a proceeding in juvenile court; and, with the permission of the court, any other person or agency or institution having a legitimate interest in the proceeding or in the work of the court (T.C.A. § 37-1-153). Under certain circumstances, the records may be open to public inspection. See T.C.A. § 37-1-153(b) for details. Inspection of the law enforcement records regarding the child is similarly restricted (T.C.A. §§ 37-1-154–155).

This listing of juvenile records is short and is only intended to include those records that are specific to the juvenile court and do not appear in other court retention schedules. Where juvenile records mirror those in civil or criminal courts, consult the appropriate retention schedule for the proper period to retain the record.

Retention Schedule for Juvenile Court Records

Description of Record	Retention Period	Legal Authority/Rationale
07-001 Investigative Files and Reports —Written reports from probation officers, professional court employees or consultants; any materials on file with the courts from a social services agency; and any similar reports or records for delinquency, unruly child, or dependency and neglect cases. Note: This record series may be kept in the Juvenile Court Services Office or some other appropriate office instead of with the court itself.	Keep 10 years after disposition of case or for delinquent and unruly cases keep 10 years after child reaches age of eighteen (18).	T.C.A. § 18-1-202(a)(1)-(2).
07-002 Judge and Referee Orders —Orders and opinions making determinations of status or disposition of child.	Permanent record.*	T.C.A. § 18-1-202(a).
07-003 Juvenile Court Docket —Record of first appearance of all causes in court, showing date filed, names of attorneys, action taken, etc.	Permanent record.*	Similar to appearance docket. T.C.A. § 18-1-202(a).
07-004 Juvenile Court Minutes	Permanent record.*	T.C.A. § 18-1-202(a).
07-005 Petitions —Original pleading initiating delinquency, unruly child, or dependency and	Permanent record.*	In the nature of original process. T.C.A. § 18-1-202(a).

Retention Schedule for Juvenile Court Records

Description of Record	Retention Period	Legal Authority/Rationale
neglect cases.		
07-006 Rule Dockets and Indexes —A record of original processes issued and filed incident to cases tried in court, showing number of case, date and hour filed, names of petitioner, defendant, and solicitors; also date and nature of process, date process served, note of officer's return, and rules and orders of the court.	Permanent record.*	T.C.A. § 18-1-202(a).

* In 2019 the general assembly amended T.C.A. § 18-1-202 to provide that the clerks of the juvenile courts are empowered and authorized under the direction and order of the judges of their respective courts to dispose of original pleadings, process, opinions, records, dockets, books, ledgers, and all other documents in delinquent and unruly juvenile court cases after a period of ten (10) years following the juvenile reaching eighteen (18) years of age. Prior to ordering the clerk to dispose of original documents, the court must notify the district attorney general of the proposed order and provide the district attorney general reasonable time to file a notice of opposition to the proposed order.

Planning and Zoning Records Retention Schedule

Reference Number: CTAS-2067

Planning and Zoning Records. The records included in this schedule are only those specific to the county office that oversees planning and zoning. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules elsewhere in this manual. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for Planning and Zoning Records

Description of Record	Retention Period	Legal Authority/Rationale
	Application—one year after application	Statute of limitations.
	Disapproval—one year after action.	Variance runs with land.
	Approved Action—permanent.	Decisions related to uses on appeal or special exceptions continue as long as the use continues.
19-001. Board of Zoning Appeals Action —Application or documentation for hearing and decision before Board of Zoning Appeals.		For each jurisdiction adopting and enforcing its own codes, records are audited by the State Fire Marshall's Office at least once every three years (T.C.A. § 68-120-101(b)). NOTE: Notify property assessor of completion before record is destroyed.
19-002. Building Inspection and Similar Reports —Reports building inspection and codes enforcement activities showing date, name of inspector, location inspected, etc.	Retain 5 years after issuance of certificate of occupancy or final inspection.	
19-003. Comprehensive Growth Plan —Plans required in accordance with the TN Growth Planning Law (Public Chapter 1101) that indicate Urban Growth Boundaries, Planned Growth Areas and Rural Areas, plus any supporting documentation, side agreements, minutes of the coordinating committee, etc.	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.
19-004. Minutes of Commissions and	Permanent record.	Actions recorded in minutes are

Retention Schedule for Planning and Zoning Records

Description of Record	Retention Period	Legal Authority/Rationale
Boards— Recorded minutes of the Planning Commission and Board of Zoning Appeals. All recorded actions of Planning Commission and Board of Zoning Appeals, including records of members present and their votes on matters presented, the nature and results of votes.		effective until superseded or rescinded. Keep for historical purposes.
19-005. Plan and Plat Records— Drawings and blueprints of farms, subdivisions, cemeteries, city lots, and street improvements, showing name of subject, date of drawing, boundaries, scale used, location, name of engineer making survey, name of draftsman, and certificate of registration.	Permanent record.	Could have bearing on land title.
19-006. Regional Plan or Major Road Plan— Plan developed by the Planning Commission to designate major infrastructure and promote orderly and coordinated economic growth and development for the region.	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value. Keep for historical purposes.
19-007. Reports/Recommendations of the Planning Commission to the Governing Body— All transmittals to governing body with recommendations regarding zoning, annexations, etc.	Permanent record.	[Note: If reports are included and incorporated into the minutes of the Board, there is not a need to keep additional copies separate from the minutes.]
19-008. Request for Zoning Change— Request for permanent change to zoning map.	Retain for five years.	Appeals.
19-009. Studies and Reports of the Planning Commission— All studies and reports, including infrastructure studies, future facilities plans, etc.	Permanent record.	Keep for historical purposes.
19-0010. Subdivision Regulations	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.
19-011. Zoning Map and Ordinance	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.

Register of Deeds Records

Reference Number: CTAS-2059

Register of Deeds Records. The records included in this schedule are only those specific to the office of the county register of deeds. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. Included in this table is a listing of "obsolete" records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. The fact that a certain record is listed in this

schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for Register of Deeds

Description of Record	Retention Period	Legal Authority/ Rationale
11-001 Affidavit Releases —Recorded affidavits effecting the release of notes or other instruments which cannot be produced by the holder thereof, showing name of owner or holder of instrument, nature of instrument, extent of release, reason why instrument cannot be produced, names of affiant and official acknowledging affidavit, and register's certificate of registration.	Keep recorded copy permanently. Additional copies are merely working papers and may be destroyed when no longer needed in accordance with rules of the Public Records Commission.	T.C.A. § 66-25-207. T.C.A. § 10-7-406(b). Note: after 1990 these procedures only apply to Warren County by narrow population class.
11-002 Articles of Association —Articles filed with the register of deeds office evidencing the conversion of a partnership to a limited liability partnership. Originals are filed with the secretary of state.	Permanent record.	Provides local source for vital partnership records (T.C.A. § 48-204-101).
11-003 Articles of Conversion —Articles filed with the register of deeds office evidencing the conversion of a partnership to a limited liability company or partnership. Originals are filed with the secretary of state.	Permanent record.	Provides local source for vital partnership records (T.C.A. § 48-204-101).
11-004 Bills of Sale (May be recorded in deed books) —A record of items and land sold and purchased giving names of parties, description of property sold, and terms of sale.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(1). This record affects land title.
11-005 Bonds of County Officials, Register of	Permanent record.	T.C.A. § 8-19-102.
11-006 Bond to Discharge Lien — Original bond, or copy of bond, filed by land owner to discharge lien and clear land titles from mechanics and materialmans liens.	Permanent record.	T.C.A. § 66-11-142 Record has affect on land title.
11-007 Certificate of Limited Partnership — Document filed to evidence creation of limited partnership. Similar to articles of incorporation. Also filed with Secretary of State.	Permanent record.	Provides local source for vital limited partnership records.
11-008 Certificate of Merger —Document filed to evidence merger of partnerships. Also filed with secretary of state.	Permanent record.	Provides local source for vital partnership records. T.C.A. § 61-2-211.
11-009 Charters, Record of —Recorded copies of incorporation charters granted by the state showing names of incorporators, name of corporation, location, nature of business, amount of capital stock, power and limitations of charter, date executed, acknowledgment before notary public, date recorded, register's certificate of recordation, and certification of Secretary of State that charter has been granted. These charters have been filed with the register of deeds and the secretary of state since 1929.	Permanent record.	Provides local source for vital corporate records, both profit and non-profit.
11-010 Contracts (Personal Property) —Recorded contracts showing names of contracting parties, amount of consideration,	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(1).

Retention Schedule for Register of Deeds

Description of Record	Retention Period	Legal Authority/ Rationale
terms of agreement, and register's certificate of registration.		
11-011 Deed Indexes, Direct and Indirect	Permanent record.	Necessary for use of other records.
11-012 Deeds, Record of —Recorded copies of absolute conveyances of real property, showing names of grantor and grantee, date of instrument, location and description of property, consideration, terms of payments, acknowledgment before notary public, and the register's certificate of recordation.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(4). Kept permanently pursuant to T.C.A. § 8-13-108(a)(4).
11-013 Deeds of Trust, Record of —Deeds conveying title to real estate to secure performance of contract with power to sell in case of default, showing names of parties, terms of contract, location, description, and valuation of property.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(8). Kept permanently pursuant to T.C.A. § 8-13-108(a)(4).
11-014 Dormant Mineral Interest Book —Includes declarations of interest and statements of claim. Declarations of mineral interests are instruments transferring by grant, assignment, or reservation or otherwise, an interest of any kind in coal, oil, gas and other minerals. Statements of claim are documents or instruments filed by the owner of an interest to make claim to that interest.	Permanent record.	T.C.A. § 66-5-108. Affects property rights not only for leases, but transfers of mineral interests. Preservation of some of these records are necessary for preserving mineral rights.
11-015 Farm Names, Register of	Permanent record.	This is an historical record. Maintain it if it is present in the office. T.C.A. § 67-5-1008.
11-016 Greenbelt Applications —Applications for special tax treatment afforded certain agricultural, forest and open space land which have been approved by the assessor of property or county or state boards of equalization.	Permanent record.	Can have long term implications regarding roll-back taxes. Keep since there is no way to know when it has been re-certified.
11-017 Greenbelt Certifications of Agricultural Use —Certifications by owner that property will produce a certain level of gross agricultural income.	Retain for seven years, then destroy.	T.C.A. § 67-5-1005. Re-certification necessary at least every 6 years.
11-018 Judgment Enrollment Records —Recorded copies of abstracts of judgments, bills, and attachments from court cases involving real estate. Judgments show names of plaintiff and defendant, case number, name of court, date and amount of judgment, and date of registration. Bills show names of plaintiff and defendant, date of filing, name of court, date of levy, description of property, case number, and date recorded. Attachments show date registered, names of plaintiff and defendant, name of court, case number, date attachment issued, date of levy, and description of property.	Permanent record.	Could affect land title and property rights.
11-019 Land Entries —Initial applications for public land.	Permanent record.	Keep for historical purposes.
11-020 Land Grants —Recorded copies of absolute conveyances of real property from public to private ownership, showing names of grantor	Permanent record.	Keep for historical purposes.

Retention Schedule for Register of Deeds

Description of Record	Retention Period	Legal Authority/ Rationale
and grantee, date of instrument, location and description of property, consideration, terms of payment, and certificate of recordation.		
11-021 Land Sold for Taxes, Record of —Record of court land sales, showing name of the court, style of case, location and description of property, by what process land was sold, and date of sale.	Permanent record.	Record affects land title.
11-022 Leases —Copies of leases or rental contracts on real estate filed for recording, showing names of lessor and lessee, description of property, terms of the contract, date of execution, and signatures of parties involved.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(15). Difficult to separate from other permanent records. Impractical to ascertain expiration of lien to know when record could be destroyed.
11-023 Liens, Mechanic —Notices of lawsuits to be filed in one year from date.	Permanent record.	
11-024 Liens, Mechanic and Materialmans —Contract wherein lien is established in writing providing notice of existence of such a lien. Writing sets forth contract price and describes the real estate to be affected with reasonable certainty. In lieu of registration of contract, lienor may file a sworn statement. Pre-dates notices of completion that were not discharged.	Permanent record.	Impractical to ascertain expiration of lien to know when record could be destroyed.
11-025 Liens, Notice of Lawsuit —Notices of lawsuits to be filed to enforce liens.	Permanent record.	T.C.A. § 66-21-201 authorizes recording.
11-026 Liens, Tax —Record of tax lien notices filed against property owners, including violators of the internal revenue law, showing name and address of property owner, date of filing, amount of assessment and penalty, and discharge notice date.	Permanent record.	Impractical to ascertain expiration of lien to know when record could be destroyed.
11-027 Maps and Map Books —County and civil district maps as well as single parcel maps (not part of subdivision).	Permanent record.	Keep for historical purposes.
11-028 Military Discharges, Record of —Recorded copies of discharges from military service, showing name of veteran, date of discharge, reason for discharge, place of birth, age and occupation at time of enlistment, commanding officer's oath, physical description, enlistment record, and register's certificate of registration. DD2-14.	Permanent record unless a proper petition to remove is filed. This is voluntary for the individual to record, but it is recommended. Also available through the VA, but easier to get locally.	Eligible for recordation under T.C.A. § 66-24-101(20). May be removed or redacted pursuant to T.C.A. § 10-7-513 Important historical record.
11-029 Mortgages, Real Estate, Index to	Permanent record.	Necessary for use of recorded documents.
11-030 Mortgages, Real Estate, Record of (Trust Deeds) —Recorded copies of conditional conveyances of real property, showing names of grantor and grantee, dates instrument executed and recorded, location and description of property, consideration, terms of payment, provisions in case of non-payment, acknowledgment before notary public, and register's certificate of recordation.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(8). Keep permanently pursuant to T.C.A. § 8-13-108(a)(4).
11-031 Notebooks —Register's record of instruments received for recording in his or her office, showing date and hour of reception, names	Permanent record.	T.C.A. § 8-13-108(a)(3).

Retention Schedule for Register of Deeds

Description of Record	Retention Period	Legal Authority/ Rationale
of grantor and grantee, name of county, number of acres, and fees received.		
11-032 Notice and Terminations of Lis Pendens — An abstract of filing a lien lis pendens on real estate, certified by the clerk, containing the names of the parties to such suit, a description of the real estate affected, its ownership, and a brief statement of the nature and amount of the lien sought to be fixed. Termination orders or notices of termination should also be noted or recorded in the lien book.	Keep five years after termination of lien, then destroy if kept in a format that allows destruction.	T.C.A. § 20-3-101 and following.
11-033 Notice of Completion —Notice filed by owner or purchaser or contractor of improved real property that the improvement is complete. Notice contains the name of the owner of the land, name of contractor, location and description of the property, the date of completion of the structure improvement or demolition, a statement that a settlement of claims of parties entitled to benefits will take place after ten days, name and address of party to whom notice of claims may be sent, and acknowledgment by the person filing the notice, or by his agent or attorney.	If maintained in a separate book and all records within the books are at least 10 years old, then records are eligible for destruction.	T.C.A. § 66-11-205. Affects property rights regarding improvements.
11-034 Oil and Gas Leases —Recorded copies of leases on mineral resources, showing names of lessor and lessee, consideration, location and description of property, terms of the agreement, acknowledgment before a notary public, and the register's certificate of recordation.	Essentially a permanent record.	T.C.A. § 66-24-101. Leases were often for extremely long periods of time (e.g. 99 years or longer).
11-035 Options to Purchase Land —Recorded copies of purchase options showing amount of consideration, parties to the contract, period of time for which option is extended, terms of agreement, description of property, date instrument executed, and register's certificate of registration.	Retain five years after the option or the last extension has expired, then destroy.	Retention based on useful life of contract.
11-036 Plats, Plat Books, and Indexes —Drawings and blueprints of farms, subdivisions, plants, and electric lines, showing name of subject, date drawn, boundaries, scale used, location, name of engineer making survey, name of draftsman, and register's certificate of registration.	Permanent record.	Eligible for recordation (T.C.A. §§ 13-3-402, 13-4-302, 66-24-116).
11-037 Powers of Attorney, Record of —A record of appointment or authorization for another party to act in an individual's behalf.	Permanent record.	Record has long term significance for the parties.
11-038 Releases of Mortgages, Liens and Deeds of Trust on land, Record of — Record of releases made as notes are paid, showing names of parties, dates, amount of fee, and book and page number where original instrument is recorded. These are non-U.C.C. documents.	Permanent record.	Record affects land title.
11-039 Reports of Register to County Mayor and/or County Commission —Reports containing data on revenue received, expenditures, work performed, plans, personnel, etc.	Retain five years after creation of document, then destroy. Should be read into minutes of county commission and made a permanent record	Keep for audit purposes (T.C.A. § 10-7-404(a)).

Retention Schedule for Register of Deeds

Description of Record	Retention Period	Legal Authority/ Rationale
11-040 Reports of State Transfer and Mortgage Taxes to Dept. of Revenue —Monthly report of Register detailing state mortgage and transfer taxes.	there. Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
11-041 Surveyor's Books —Survey showing civil district in which property is located surveyor's description, date survey made, and name of surveyor.	Permanent record.	Establishes parcel boundaries. Important document for property owners. T.C.A. § 66-24-116.
11-042 Underground Utilities, Notice of —Notices filed by individuals, corporations or governments that operate underground utilities in the county, including a list of towns or cities where the facilities are located and the name, title, address and telephone number of the operator's representative.	Permanent record.	T.C.A. § 65-31-105. Eligible for recordation.
11-043 Uniform Commercial Code Instruments — Financing statements, amendments, continuations, releases, terminations, etc.	If no termination is filed, retain for three years after maturity date of financing statement or continuation statement, whichever is later. If you have a microfilm of the financing statement and a termination is filed, destroy other records upon receipt of termination statement; without microfilm, keep one year, then destroy.	T.C.A. § 47-9-404(2). Necessary for access to U.C.C. filings.
11-044 U.C.C. Instruments, Index for	Permanent record.	
OBSOLETE RECORDS		
11-045 Bankruptcies, Record of — Recorded copies of petitions in bankruptcy, decrees of adjudication of bankruptcy, and court orders approving trustee's bonds.	Retain 60 years, then destroy. Not usually filed in the Register's office any longer. Kept for probable lifetime of the debtor. Eligible for recordation under T.C.A. § 66-24-101(21).	
11-046 Chattel Mortgage Indexes	Obsolete record. See Chattel Mortgages, Record of, listed below for retention.	
11-047 Chattel Mortgages, Record of —Recorded copies of mortgages given to secure loans on personal property, showing names of mortgages and mortgagees, location and description of chattels, amount of consideration involved, course of action in case any part of agreement is broken, date instrument executed, acknowledgment before notary public, and register's certificate of registration. This record is basically obsolete. It is a pre-U.C.C. filing. Most records would be before early 1960s.	Obsolete record. Most likely this record is combined with trust deeds in a book, and kept together as a permanent record. Has much the same historical value as trust deeds. Whereas trust deeds recorded mortgages on real estate, chattel mortgages recorded liens on tools, equipment, livestock and other forms of personal property. Both kinds of instruments began with and are reflective of the onset of sharecropping tenancy following the Civil War. Even if kept separately from trust deeds, retain permanently for historical purposes.	
11-048 Register's Dockets (Bills of Sales) — Record of sales of slaves, land, and deeds of gift, showing date instrument executed, amount	Permanent record, but no longer generated by the off. Obsolete. Has historical value. These records pre-date modern system of recordation. Can affect property	

Retention Schedule for Register of Deeds

Description of Record	Retention Period	Legal Authority/ Rationale
involved, description of the property, names of interested parties, power of attorney, date of filing, name of person to whom power is conveyed, conditions of the grant, and signature of person making the conveyance.	rights.	
11-049 Tobacco Loan Books —A record of loans made on crops showing amount of money borrowed, crop acreage and location, due date, and notary statement.	Obsolete, now covered by the U.C.C. Previously destroyed ten years after last entry in book. Check for historical significance and destroy.	

Sheriff's Records Retention Schedule

Reference Number: CTAS-2060

Sheriff's Records. The records included in this schedule are only those specific to the office of the county sheriff. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules elsewhere in this manual. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record or the frequency of its occurrence. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for the Office of the Sheriff

Description of Record	Retention Period	Legal Authority/ Rationale
12-001 Accident Reports —Motor vehicle accident reports giving location of accident, persons and vehicles involved, time of accident, injured, witnesses, diagram of accident, and condition of persons involved.	Retain four years, then destroy.	Record may be used in litigation. Period based on three year statute of limitations for actions for injuries to personal property plus one year for overlap (T.C.A. § 28-3-105).
12-002 Armory Records —Records regarding acquisitions, requisitions, check-ins, etc.	Retain for 10 years.	Keep in case of potential liability.
12-003 Arrest Records (and Case Files) — Includes offense and incident reports. Information in records of arrest such as name, alias, address, date and time of offense, date of birth, age, place of birth, description, place of arrest, charge, disposition at time of arrest, warrant number, name of court, accomplices, vehicle information, arresting officer, remarks, signature of arresting officer. Includes arrest report and indexes citation in lieu of arrest form.	If the subject is found "not guilty," then original arrest records should be retained until the records are microfilmed. If subject is convicted, retain original until the exhaustion of all appeals or termination of probation or sentence; further, the originals are not to be destroyed thereafter until microfilmed. Destroy Originals or microfilm copies of arrest records on verification of death or its reasonable presumption (i.e. 100 years after birth of subject). Arrest index card	Retention period necessary for continuing investigative purposes and based on life of individual.

Retention Schedule for the Office of the Sheriff

Description of Record	Retention Period	Legal Authority/ Rationale
	should remain active until the death of the subject.	
12-004 Board Bills —Bills for boarding prisoners, showing date of commitment, name of prisoner, number of days for which board is charged, and rate per day.	Retain five years, then destroy.	Kept for audit purposes (T.C.A. § 10-7-404(a)).
12-005 Case Files —Copies of all pertinent records of whatever nature relevant to a particular case under or pending investigation, accumulated in a single file by the investigator or agency to facilitate the investigation or prosecution of offenders. May include copies of complaint report; offense report; supplementary report; missing person/runaway report; arrest report; citation-in-lieu of arrest; property receipt; vehicle tow slip; statement form; accident report; other relevant reports; relevant photo or drawing.	Retention same as Arrest Record, above, except Missing Person/Runaway Records are not to be destroyed if needed by juvenile authorities and destruction should not violate National Crime Information Center (NCIC) requirements.	See Arrest Record, above.
12-006 Cash Journal —Summary of all receipts and disbursements in the department. See also Receipt for Property Returned to Inmates Upon Release, below.	Retain 10 years, then eligible for destruction.	Comptroller's office considers this record important for demonstrating patterns in investigations of mis-appropriation of funds (T.C.A. § 10-7-404(a)).
12-007 Complaint/Incident Reports (Citizen) —Show name and address of person reporting offense, file and case number, place of occurrence, investigating officer, time, date, how report was made, and officer assigned to the case. May include dispatcher cards regarding calls. This includes Complaint, Incident, Offense, Supplementary, Missing Person, and Runaway Reports (individual and collective).	If record is unrelated to a felony or other case under investigation, retain original five years if microfilmed. Original or microfilm may be destroyed upon verification of death or its reasonable presumption (i.e. 100 years after birth of subject). If record is related to a felony or other case under investigation, follow schedule for Arrest Records (Case Files), above. Death of subject or reasonable presumption of death, i.e. 100 years. Note: See T.C.A. § 37-1-155 regarding treatment of fingerprint records of juveniles.	Retention period based on life of suspect.
12-008 Fingerprinting Records		Retention period based on life of subject.
12-009 Identification Files —Records kept for identification purposes including fingerprints, photographs, measurements, descriptions, outline pictures, and other available information.	Death of subject or reasonable presumption of death, i.e. 100 years.	Retention period based on life of subject.
12-010 Inmate Census Records —Records and documentation on number of inmates in detention facilities and movement and transportation of inmates. Includes sign-out logs, official census, count reports, booking logs, etc. Does not include Inmate/Prisoner Register listed below.	Keep for five years, then destroy.	Records are used for development of board bill and other reports. Keep for audit purposes on recommendation of comptroller (T.C.A. § 10-7-404(a)).
12-011 Inmate Conduct Records —Incident and disciplinary reports,	Retain 10 years, then destroy.	Retention period based on maximum period of time

Retention Schedule for the Office of the Sheriff

Description of Record	Retention Period	Legal Authority/ Rationale
logs, hearing summaries, appellate board findings, reports on use of force/restraint, and related records.		record may be needed in case of litigation discovery requests.
12-012 Inmate Financial Records— Financial record of prisoners committed to the workhouse, showing name of prisoner, date and length of commitment, amounts received, itemization of costs, balance, amount and date of final disposition of account, and remarks. Note: This does not include receipts for property returned at time of release. See separate listing for that record series, below.	Retain five years, then destroy.	Retention period based on likely period of time for grievance and reasonable period for operational use of the record.
12-013 Inmate Grievance Records— Records regarding inmates grievances. Includes actual grievance, replies and responses to grievance and any investigative files. See also Internal Investigations below for related record.		Retention period based on maximum period of time record may be needed in case of litigation discovery requests.
12-014 Inmate Medical Records— Medical files maintained on prisoners showing inmate's physical condition on admission, during confinement, and at discharge. The record shall indicate all medical orders issued by the jail physician and/or any other medical personnel who are responsible for rendering medical services. Keep in a separate file from other inmate records. See also Psychological Evaluations of Inmates, below.	Retain for a period of 10 years after the prisoner's release, then eligible for destruction.	Retention period based on standard for medical records found in T.C.A. § 68-11-305 and requirement in Tennessee Corrections Institute Rule 1400-1-.13(21).
12-015 Inmate Registers (Jail Registers)— Record of all prisoners committed to the county jail, showing name of prisoner, offense charged, by whom charge brought, record of process, date of commitment, and date released; may also show age, sex, complexion, color of hair, and color of eyes of prisoner.	Permanent record.	See Tennessee Corrections Institute Rule 1400-1-.14.
12-016 Inmate Visitation Records— Records documenting persons making visits to specific inmates or to the jail facility. Includes visitation logs and other similar records.	Retain three years.	Keep for operational purposes in case an incident arises.
12-017(a) Internal Investigation Records— Records of investigations resulting from a complaint against an employee of the Sheriff's department. Includes notification of complaint, investigative files, any associated medical records, and any written decisions, orders, or disciplinary actions.	Keep for term of employment of officer or 10 years, whichever is longer.	Record retains significance in personnel decisions, promotion, dismissal, etc. and for defense of litigation.
12-017(b) Jail Shift Reports — Reports that record routine information, emergency situations, and unusual incidents.	Permanent record.	See Tennessee Corrections Institute Rule 1400-1-.07.
12-018 Judgment Orders (a.k.a. Statement of Sentence) and Release	Retain for five years, then destroy.	Records used for classification purposes and

Retention Schedule for the Office of the Sheriff

Description of Record	Retention Period	Legal Authority/ Rationale
Orders —A certified statement of the sentence of each prisoner in workhouse specifying the name of the convict, date of the sentence, crime for which committed, the term of imprisonment, the amount of fines and costs, record of the convict's identifying information. Release orders are non-judicial orders which may authorize release.		for work release evaluations and in developing board bills, cost determinations, etc.
12-019 Missing Person/Runaway Records	Refer to schedule for Arrest Record (Case files) above.	See Arrest Record, above.
12-020 Mittimus (Committal Records) — Commitments to jail, showing name of person committed, offense charged, name of prosecutor, amount of bail, date, and signature of judicial officer.	Retain five years, then destroy.	Record may be used as back-up documentation for board bill and cost summaries.
12-021 Pawnbroker's Records of Transactions —Copy of record of pawn transactions forwarded by the pawn broker to the sheriff pursuant to T.C.A. § 45-6-210.	Retain four years, then destroy.	Retention based on statute of limitations for most theft prosecutions (T.C.A. §§ 40-2-101 and 40-35-110).
12-022 Personnel Records	See separate retention schedule for employment records in this manual.	for employment records in
12-023 Processes —Record of warrants, capias, summonses, and other papers served.	Retain three years after last entry, then destroy.	Kept for audit purposes. Non-financial (T.C.A. § 10-7-404(a)).
--- Unserved Misdemeanor Warrants	Five years.	T.C.A. § 40-6-206.
12-024 Psychological Evaluations of Inmates, Records of —Any records regarding abnormal behavior of inmates, staff response to behavior, judicial orders for screening and treatment, referrals to psychological services, orders for placements in mental health facilities, etc. See also Prisoner Medical Records.	Retain 10 years, then eligible for destruction.	Psychological records are kept longer than medical records because of a stronger relationship to inmate conduct records which have a 10- year retention schedule.
12-025 Radio Logs —A record of radio calls giving time called, car or station calling, car or station called, car location, nature of call, and acknowledgment.	Retain three years, then destroy unless pending legal action.	Retention period based on likely time of complaint or legal action.
12-026 Receipt Books (General) —Duplicate receipts, showing from whom received, reason for payment, amount received, and date. Note: See separate schedule for Receipt for Property Returned to Inmates, below.	Retain five years after issuance of last receipt, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
12-027 Receipt for Property Returned to Inmates on Release —Receipt required to be signed by inmates upon release from detention facilities for property, valuables and cash returned at the time of release. All items shall be inventoried on the receipt and witnessed by the releasing officer.	Permanent record.	See Tennessee Corrections Institute Rule 1400-1-.14.
12-028 Reports of Jail Inspections —Files regarding inspections of	Retain three years, then destroy.	Based on American Correctional Association

Retention Schedule for the Office of the Sheriff

Description of Record	Retention Period	Legal Authority/ Rationale
detention facilities. Includes any inspection made to monitor conditions of safety, security and sanitation in detention facilities and maintenance work orders.		accreditation/re-accreditation cycle.
12-029 Report of Trustees —Report on trustees and other prisoners receiving sentence reduction credit, showing name of trusty, dates, and time labored.	Retain 10 years, then destroy.	Used in determination of release in case of transfers, etc.
12-030 Sheriff's Sales, Records of —Records relating to sales and auctions conducted by the sheriff for forfeited property, property seized under execution, and any other property the sheriff is authorized or directed to sell.	Retain records of sales of personal property five years, then destroy. Retain records of real property sales permanently.	For personnel property sales, retention period based on recommendations of comptroller's as authorized by T.C.A. § 10-7-404(a). Records of real property sales may impact land title and property rights indefinitely and should be retained as long as possible in case questions of ownership arise. Records useful in determining employment and promotion decisions and for continuing education program. Also vital record in defending lawsuits against department alleging improper actions of employees.
12-031 Training Records —Records of participation in training programs, sign-in sheets, lesson plans, videotapes, certifications, etc.	Keep records regarding training for 10 years or for career of officer where information is kept in personnel file. If the training is required by OSHA, retain 30 years.	Records useful in determining employment and promotion decisions and for continuing education program. Also vital record in defending lawsuits against department alleging improper actions of employees.
12-032 Vehicle Maintenance Records —Record of repairs, service, etc. related to county owned vehicles.	Retain five years or life of vehicle, whichever is longer.	Keep for management purposes.
12-033 Vouchers —Copies of vouchers presented by the sheriff for the payment of expenses incurred in operating the workhouse, patrol, salaries, etc.	Retain five years, then destroy.	Keep for audit purposes based on the comptrollers recommendations (T.C.A. § 10-7-404(a)).
12-034 Workhouse Commission Minutes —Record of business transacted at meetings of the workhouse commission.	Permanent record.	Actions recorded in minutes are effective until superceded or rescinded. Also keep for historical purposes.
12-035 Workhouse Docket 12-036 Workhouse Expenses, Record of —An account of all supplies, implements, tools, etc., purchased for the workhouse and a separate account for supplies.	See schedule for Prisoner Registers, above. Retain five years, then destroy.	Keep for audit purposes based on the comptrollers recommendations (T.C.A. § 10-7-404(a)).
12-037 Work Release Financial Records —Records documenting receipt and disbursement of funds associated with the Work Release program.	Retain 10 years, then eligible for destruction.	Retention period based on 10 year statute of limitations for actions on sheriff's bonds and actions for misappropriation of funds (T.C.A. § 28-3-110).
OBSOLETE RECORDS		
12-038 Weapons, Permits to Purchase —Letters or forms giving persons permission to purchase weapons. Records	Sheriff's no longer permit handgun owners. Federal statutes prohibit maintaining registries of gun owners. 18 U.S.C.A. § 922(s)(6)(B)(i). All records related to these activities should	

Retention Schedule for the Office of the Sheriff

Description of Record	Retention Period	Legal Authority/ Rationale
of weapons permitting, registry of weapon owners, etc.	be destroyed.	

Solid Waste Departments and Landfill Records Retention Schedule

Reference Number: CTAS-2061

Solid Waste Departments and Landfill Records. The records included in this schedule are only those specific to the county office that oversees solid waste and/or landfills. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules elsewhere in this manual. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for the County Solid Waste Department

Description of Record	Retention Period	Legal Authority/Rationale
A. PLANNING RECORDS		
13-001 Annual Solid Waste Progress Report by the Region —Required report to the commissioner of environment and conservation reporting on collection, recycling, transportation, disposal, public costs and any other information which the board, by rule, may deem relevant to solid waste planning and management.	Retain 10 years, then eligible for destruction.	T.C.A. § 68-211-871(a). Keep for planning purposes based on 10-year Municipal Solid Waste Region Plan.
13-002 Creation and Formation of Solid Waste Region, Records of —Resolutions and approved agreements of the county legislative body establishing a municipal solid waste region. A copy of this record is filed by county clerk with the State Department of Environment and Conservation.	Keep until dissolution of the solid waste region.	T.C.A. § 68-211-813(a)(1). Record authorizes existence of the region and establishes agreements between local governments.
13-003 Ten Year Municipal Solid Waste Region Plan —Plan every region is required to develop and submit to the Department of Environment and Conservation for approval. Plans must include at least the minimum information required by T.C.A. § 68-211-815.	Keep current plan and one previous generation.	T.C.A. § 68-211-814. Older plans are useful in the planning process.
13-004 Updates to Municipal Solid Waste Plan — Updates to the ten year plan required by T.C.A. § 68-211-814 to occur at least every five years after the plan's initial approval to reflect subsequent developments in the region.	Keep all updates for current plan and one previous generation.	T.C.A. § 68-211-814. Older updates are useful in the planning process.
B. RECYCLING RECORDS		
13-005 Annual Report of Materials Collected at Recycling Center by Operator —Copy of annual report of recovered materials processed at the facility, by type of material, sent to the Department of Environment and Conservation.	Retain 10 years, then eligible for destruction.	T.C.A. § 68-211-871(e). Retention period based on planning cycle of the 10-year regional plan.
C. LANDFILL RECORDS		
13-006 Amount of Solid Waste (in Tons) Received at Municipal Solid Waste Facilities, Records of — Records for current month shall	Retain three years, then eligible for destruction.	T.C.A. § 68-211-871(e). Retention period established by

Retention Schedule for the County Solid Waste Department

Description of Record	Retention Period	Legal Authority/Rationale
be maintained at the facility and open for inspection by the Department of Environment and Conservation. All other records shall be maintained at suitable office space in order to protect them from damage or loss.	Note that if the records relate to financial transactions (such as receipts or receipt books) the retention period should be five years to comply with audit requirements. See entry 15-019.	TN Rule 1200-1-7-.08(3).
13-007 Approved Permit Applications for Solid Waste Disposal Facilities —Records of all data and supplemental information used to complete permit applications. Includes copy of the permit and the approved Part I and Part II application. Maintain at the facility or another location with the approval of the department.	Retain throughout active life of the facility and through the post-closure care period.	TN Rules 1200-1-7-.02(2)(a)4. & 1200-1-7-.02(4)(a)7. Keep to show compliance with regulations in order to defend against superfund liability.
13-008 Closure/Post-Closure Landfill Plan —Plan identifying the steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life, identifying the activities which will be carried on after closure and the frequency of these activities.	Retain up-to-date plan throughout the active life of the facility and through the post-closure care period.	TN Rule 1200-1-7-.03(2)(c)2.(iii). Keep to show compliance with regulations in order to defend against superfund liability.
13-009 Gas Migration Control Standard —Records of monitoring to insure compliance with gas migration control standards. Monitoring must occur at least quarterly and must conform to standards for Monitoring Records listed below.	Retain throughout the active life of the facility and through the post-closure care period.	TN Rule 1200-1-7-.04(5)(a)4. Keep to show compliance with regulations in order to defend against superfund liability.
13-010 Groundwater Sampling Records —Records of all ground water sampling activities conducted, sample analysis results and associated ground water surface elevation. Keep at the facility or another approved location.	Retain throughout the active life of the facility and through the post-closure care period.	TN Rule 1200-1-7-.04(7)(a)4.(vii). Keep to show compliance with regulations in order to defend against superfund liability.
13-011 Monitoring Records —Records of monitoring of facility including date, place and time of sampling or measurements; individual performing measurements; date of analysis; individual performing the analysis; analytical techniques used; and, the results of the analysis.	Retain throughout the active life of the facility and through the post-closure care period.	TN Rule 1200-1-7-.02(4)(a)(9). Keep to show compliance with regulations in order to defend against superfund liability.
13-012 Permit-By-Rule Authorizations and Records —Copy of authorization from Department of Environment and Conservation to operate as a permit by rule facility and additional related records required by the department.	Retain throughout active life of the facility and through the post-closure care period.	TN Rule 1200-1-7-.02(1)(c)1. Keep to show compliance with regulations in order to defend against superfund liability.
13-013 Random Inspection Records —Records of random inspections made of daily incoming loads for detecting and preventing the disposal of regulated hazardous waste, unauthorized special waste and PCBs.	Retain throughout the active life of the facility and through the post-closure care period.	TN Rule 1200-1-7-.04(2)(s)3. Keep to show compliance with regulations in order to defend against superfund liability.
13-014 Special Waste Approvals and Records —Copies of approvals from the Department of Environment and Conservation authorizing a facility to accept special wastes and records of receipt and management of certain special wastes.	Retain throughout active life of the facility and through the post-closure care period.	TN Rule 1200-1-7-.01-(4)(d)2. Keep to show compliance with regulations in order to defend against superfund liability.

Trustee's Records

Reference Number: CTAS-2062

Trustee's Records. The records included in this schedule are only those specific to the office of the County Trustee. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. Included in this table is a listing of "obsolete" records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

Retention Schedule for the County Trustee

Description of Record	Retention Period	Legal Authority/ Rationale
14-001 Bank Deposit Books —Bank books showing name and location of bank, and amounts and dates of deposits.	Retain five years after last entry, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
14-002 Bank Deposit Slips —Slips showing name and location of bank, and amounts and dates of deposits.	Retain five years after last entry, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
14-003 Bank Statements —Statements showing name and location of bank, and amounts and dates of deposits, amounts and dates of check withdrawals, and running balance.	Retain five years after last entry, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
14-004 Canceled Checks —Canceled checks showing date check issued, name of bank on which drawn, check number, to whom payable, purpose of payment, amount of check, and date canceled. (See warrants if using that system).	Retain five years after last entry, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a). Note: Your county may not get these back from the bank.
14-005 Cash Books —Record of trustee's daily receipts showing name of fund, date, and amounts received. In computerized counties, these records would not be kept in books. Maintain same retention period for electronic files with this information.	Retain five years after last entry, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
14-006 Cash Journals —Record of all receipts and disbursements of the Trustee as distributed to various county accounts, showing date of entry, amount, source of receipt or purpose of payment, amount of debit or credit, and name of account credited or charged.	For cash journals after 1930, keep for 10 years, then destroy. If older than 1930, the record has historical value and should be kept permanently.	Comptroller's office considers this record important for demonstrating patterns in mis-appropriation of funds. T.C.A. § 10-7-404(a). Prior to the advent of general budgetary practices, the Trustee's Cash Journal would be the best record for tracking the total revenue stream of the county and have historical value. For this reason, records prior to 1930

Retention Schedule for the County Trustee

Description of Record	Retention Period	Legal Authority/ Rationale
14-007 Check Books —Books containing stubs of checks issued by the Trustee showing check number, date issued, name of payee, amount, and purpose of payment. (See warrants if using that system).	Retain five years after date of last check, then destroy.	should be kept permanently. Keep for audit purposes T.C.A. § 10-7-404(a).
14-008 Delinquent Real Estate Tax Reports (a.k.a. Errors and Double Assessment Report) — Duplicates of annual reports to the county legislative body by the trustee of all delinquent taxpayers and double assessments in the county. Report is required by T.C.A. § 67-5-1903(a)(1).	Retain five years after date of creation, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
14-009 Delinquent Tax Receipt Books — Duplicates of receipts issued for payment of delinquent realty, and personalty taxes, showing receipt number, date issued, name of taxpayer, amount, year of assessment, signature of Trustee, etc. May not be kept in a book. This record is obsolete if computerized and in compliance with EDP standards.	Retain five years after issuance of last receipt in book or five years after creation of receipt if not in book or information is stored electronically.	Keep for audit purposes T.C.A. § 10-7-404(a).
14-010 Dog Tax Books —Record of dog taxes collected, showing name of owner, name and description of dog, amount of tax, date of payment, and tag number. Prior to 1921 these collections were used to reimburse sheep owners for losses due to damage and killing of sheep by dogs; distribution is shown on this record.	Retain until audit is complete, then destroy. Few counties do this, but technically it is still in the law and may be ongoing in certain counties.	T.C.A. § 68-8-104.
14-011 General (Miscellaneous) Receipt Ledgers —Record of funds received on general accounts, including such payments as poll tax, state and county taxes, interest, fees, and penalties on delinquent taxes, showing date of payment, name of payor, amount, fund credited, and balance. This information is included in the journal package of most software in computerized counties. If stored electronically in compliance with EDP standards, paper copy is not necessary.	Retain five years after last entry, then destroy. If stored electronically, keep 5 years after date of creation of record, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
14-012 Investment Ledgers —Surplus cash investments, rate of interest, date and amount collected.	Retain 10 years, then destroy.	Keep for audit purposes and to address arbitrage concerns.
14-013 Miscellaneous Receipts from Other Offices Receiving Money, Records of — Records of receipts collected by other county offices and department. Examples: fees collected by the ambulance service, out of county tuition collected by the school board, probation fees, building permits, etc.	Retain five years after creation, then destroy.	Keep for audit purposes T.C.A. § 10-7-404(a).
14-014 Pickup Tax Books —Record of taxes levied and collected by the trustee after the assessor failed to make an assessment, the error being caught by the trustee. This record shows name of property owner, civil district number, amount of assessment, whether on poll, personalty, or realty, taxes due, and date paid. This record series includes information	Permanent record.	Analogous to Tax Books. Keep for historical purposes.

Retention Schedule for the County Trustee

Description of Record	Retention Period	Legal Authority/ Rationale
about back assessments, re-assessments and errors.		
14-015 Property Tax Relief Report —Record of property taxes paid by the state on behalf of elderly low income homeowners, disabled homeowners and disabled veterans.	Retain until audited and updated version received, then destroy in accordance with rules of the Public Records Commission.	In the nature of a working paper (T.C.A. § 10-7-406(b)).
14-016 Receipt Books —Duplicate receipts for revenue collected, showing from whom received, date receipt given, receipt number, amount and purpose of payment, account credited, and signature of Trustee or deputy. Receipts may be or may have been issued for funds received from other county offices for payment of transfer tax, delinquent taxes, poll tax, state funds, utilities tax, etc. Receipts may be loose rather than in books. This record series is associated with the General (Miscellaneous) Receipt Ledgers.	Retain five years after last entry, then destroy. If stored electronically, destroy file five years after date of creation. Additional copies of the receipts that aren't needed for any purpose would be considered working papers that could be destroyed as soon as it is determined they are superfluous.	Keep for audit purposes (T.C.A. § 10-7-404(a)), (T.C.A. § 10-7-406(b)).
14-017 Reports, Daily (Cash Reconciliation) — Trustee's daily record showing receipts, names of accounts paying, disbursements, and balance.	Retain until after audit, then destroy in accordance with rules of the Public Records Commission.	Working paper (T.C.A. § 10-7-406(b)).
14-018 Reports of Trustee to County Legislative Body and County Mayor (Duplicate copy) — Report gives information on different accounts, balances on last report, receipts, disbursements, commissions, transfers, balances on this report, totals, bank balances of county accounts in different banks, and classification of receipts (sources received from - state, local, etc.).	Retain one year, then destroy in compliance with rules of the Public Records Commission.	Working paper used by general fund bookkeeper to reconcile accounts with the Trustee's records (T.C.A. § 10-7-406(b), (T.C.A. § 5-8-505).
14-019 Sales Tax Reports —Report from the state showing total tax collection less cost of state collection. Report shows amounts distributed to county and to incorporated towns.	Retain 10 years, then destroy.	This record series is kept longer than the usual audit standard in case of a dispute regarding city/county distribution of revenues.
14-020 Special District Supplemental Tax Books —Record of supplemental taxes, showing name of property owner, location and description of property, assessed valuation, total amount of taxes, interest, penalty, and cost of collection. Would include any extra district taxes such as fire taxes, special school district taxes, etc.	Permanent record.	Analogous to other tax ledgers.
14-021 Tax Books (a.k.a. Tax Lists, Tax Roll, Roll Books) —Record of taxable property by civil districts, showing owner's name, location and description of property, number and value of town lots, number of acres of farm land, value of land, value of personal property, state and county taxes, total of all taxes, and date paid.	Permanent record.	Keep for historical purposes. Additional, old records may be used as evidence in suits to quiet land title.
14-022 Tax Cases Sent to Clerk and Master, Record of —Record of delinquent land tax cases filed in Chancery Court (sometimes Circuit Court) showing property owner's name, district or ward, property boundaries, acres,	Retain 15 years, then destroy.	Statute of limitations on property tax actions is 10 years (T.C.A. § 67-5-1806). Additional time is given for cases that may be delayed

Retention Schedule for the County Trustee

Description of Record	Retention Period	Legal Authority/ Rationale
valuation, total tax due, and remarks.		due to bankruptcy.
14-023 Tax Collector's or Tax Deputies Report to Trustee —Report of tax collector's receipts to Trustee, showing date, from whom received, and for what purpose. This record is obsolete in many counties. This report of collections is authorized by T.C.A. § 67-5-2009.	Retain 15 years, then destroy.	Statute of limitations on property tax actions is 10 years (T.C.A. § 67-5-1806). Additional time is given for cases that may be delayed due to bankruptcy.
14-024 Warrants —Canceled warrants showing date issued, warrant number, amount of warrant, name of payee, and purpose of payment. (See also checks if using the checking system)	Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
14-025 Warrant Registers —Record of all warrants paid by the Trustee and charged to county, highway, school, and other funds, showing warrant number, amount, account charged, date issued, to whom, and purpose of payment. Some counties may have separate warrant registers for different funds. (See also checks if using the checking system).	Permanent record.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
OBSOLETE RECORDS		Obsolete record no longer generated or necessary for operation of the office.
14-026 Delinquent Poll Tax Books —Record of poll tax assessments that have become delinquent against persons who own no real property, showing district number, name of taxpayer, amount of tax, interest, and fees, year of assessment, and total amount collected. This is an obsolete record.		However, in periods where there is no federal census, poll tax records are invaluable for locating individuals and can have great historical value. Retain as a permanent record.
14-027 Fee Books —Daily record of fees collected, showing date, tax book collections, tax book fees, collections from other sources, and "turn in" fees. This record is now obsolete.		Destroy (obsolete record).
14-028 Highway Account Books —An itemized account of the receipt and disbursement of highway funds, showing date, source, and amount of revenue received; date, amount, and purpose of disbursement; and total. May also be called District Road Account Book and Road Journal. This record is now obsolete.		Permanent record. No longer being generated in the offices, but old records should be retained for historical purposes.
14-029 Poll Tax Books —Record of poll tax assessments against persons who own no property, showing name and sex of taxpayer, receipt number, district number, amount of tax, and date paid. This is an obsolete record.		Destroy (obsolete record), if kept separately from Tax Books.
14-030 Receivable Warrant Registers —Register of warrants showing date, warrant number, name of recipient, reason for issuance, and amount of warrant. This record is obsolete.		Retain five years after last entry, then destroy (obsolete record).
14-031 Road Improvement Assessment Books —Lists tracts of land and amounts of assessments; used by Trustee for collection of special assessments levied. This is an obsolete record.		Permanent record. No longer being generated, but keep for historical purposes.
14-032 Road Overseer Settlement Books —Record of settlements with overseers of county roads showing number of civil district, number of road, amount paid, purpose, name of overseer, and date of payment. This is an obsolete record.		Permanent record. No longer being generated, but keep for historical purposes.
14-033 Road Warrant Books —Record of warrants, issued on road funds showing to whom issued, date issued, amount, and date canceled. May also show amount due each civil district, amount of warrants paid, and balance due. This is an obsolete record.		Permanent record. No longer being generated, but keep for historical purposes.
14-034 School Fund Books (Receipts and Disbursements) —An itemized account of the Trustee's receipts and disbursements of school		Destroy (obsolete record).

Retention Schedule for the County Trustee

Description of Record	Retention Period	Legal Authority/ Rationale
funds, showing date, amount, and source of collections; date, warrant number, amount, and purpose of disbursements. Early volumes may be arranged by civil district. This is an obsolete record.		
14-035 School Receipt Register Books —Register of receipts for school funds showing date and type of warrants - school bond warrants, public school warrants, general purpose warrants - warrant number, and amount of warrant. Obsolete record.		Destroy (obsolete record).
14-036 School Receipts, Reports of —Trustee's report of receipts for public school funds showing receipts from all sources, distribution of funds, and signature of trustee; made monthly and annually. This is an obsolete record.		Destroy (obsolete record).
14-037 Tax Exemptions for Fox Scalps, Record of —Record shows name of owner, date, number of fox scalps produced, and certification of exemption in detail. This is an obsolete record.		Destroy (obsolete record).

Master List of Records Included in the Disposition Schedules

Reference Number: CTAS-2068

01 Assessor of Property Records

Aerial photographs

Appeals and reports to the state board of equalization and court appeals

Application for classification of real property under the agricultural forest and open space land act (greenbelt)

Assessment exemptions, applications for

Assessment rolls

Board of equalization minutes and reports

Building permits, copies of

CAAS cards

Certificates of public utilities tax valuations by office of state assessed properties

Correctional book or file (also includes proration book)

Deeds, copies of

Field books (aka mini-maps, mapping)

Income expense records

Maintenance log of all property transfers

Maps, soil delineation and land value

Ownership maps and index, rural and urban

Personal property — audit records

Personal property — record cards and tax schedule forms

Property transfers, record of (ledgers)

Sales verification forms

Obsolete Assessor's Records

Data processing tapes

Date take off forms, for comparable sales

Date take of forms, for updating

Merchant's ad valorem tax ledgers

N.A.L. Cards (Name, address, legal description cards)

Petitions for review of assessment

02 County Clerk Records

Accounting records

Animal pedigrees, record of

Appropriation dockets

Audit reports

Automobile dealer license books

Aye and nay dockets

Beer permits

Beer tax reports and receipts

Beverage bonds

Births, record of

Board of equalization, certification of assessments

Brands and cattle marks, register of

Business license

Cash books, daily

Cash journals

Cemetery company reports

Charters of incorporation, register of

Checks and check stubs

Contractor license books

County legislative body minutes

County legislative body rough minutes and roll calls

Deaths, record of

Distress warrants

Distress warrant stubs

Drainage district minutes

Drainage district papers

Election records

Hunting and fishing license reports

Inheritance tax books

Insurance company (certificates of authority)

Jury service list

Marriage applications, notices and affidavits

Marriage bonds and oath

Marriage files

Marriage, record of

Military service, register of

Miscellaneous bonds

Motor vehicle license reports

Motor vehicle license sales report audits

Motor vehicle registration certificates

Motor vehicle title applications
Motor vehicle title application reports
Motor vehicle transfer certificates
Motor vehicle transfer reports
Notaries public, affidavits of
Notaries public, record of commissions
Notaries public, registers of
Official bonds and oaths
Pauper's oaths to do business without license
Pawnbroker's licenses, applications for and related records
Personnel policies
Powers of attorney, record of
Privilege license books
Probate deed books
Probate court records generally
Railroad bonds, record of
Real estate applications, licenses, and bonds
Reports of county officials, institutions, commissions and committees
Revenue dockets
Road appointment (commissioner's books)
Road contracts and bonds
Road orders, record of
School census records
Tax lists
Title pledge lender's licenses, applications for and related records
Voters, register of
Vouchers
Voucher stubs
Warrants
Warrants, registers of
Wheel tax receipts
Registers of Professionals
Chiropractors, register of
Dentists, register of
Nurses, register of
Optometrists, register of
Osteopaths, register of
Physician's, register of
Veterinarians, register of

***Obsolete Records of the
County Clerk***

Assignments
Commitment records

Dog registers
Jail accounts
Liquor shipments, record of
Merchants' bonds and oaths
Merchant's statements, record of
Motor vehicle identification certificates
Motor vehicle identification certificates holder reports
Motor vehicle dealer's sales reports
Operator's license renewal reports
Privilege license monthly reports
Privilege license registers
Railroad assessments
Railroad taxes collected, record of
Realty transfer tax collections, record of
Road hand and tax books
Tippler's bonds and oaths
Tippler's licenses
Tippler's revenue books

03 County Mayor Records

Accounts paid files and ledgers
Audits, annual
Bids (on equipment and supplies)
Bills of costs
Bonded Indebtedness, record of
Bonds and coupons
Budget records and reports
Contracts
Easements, highway right-of-way
Federal occupations health and safety administration reports
Federal revenue sharing records
General ledger accounts
Highway commission minutes (if county mayor serves as chairman)
Insurance policies
Invoices
Mutual aid records
Payroll records
Receipt books
Receivable warrant books
Relief orders
Reports of county officials
Trustee's cash reconciliation report
Vouchers
Warrants

Warrant duplicate records (carbon copies)

Warrant registers

04 Circuit and Criminal Court Records

A. Civil Action Files

Briefs

Civil actions, record of

Discovery records, civil cases

Doctor's depositions in workers compensation cases

Judge's opinions

Summonses

Trial exhibits and evidence

B. Bonds

Appearance and bail bond records

Attachment and injunction bonds

Cost bonds, civil cases

Miscellaneous bond books

Prosecution bonds

C. Criminal Action Files

Criminal actions, record of

Detainer warrants

Indictments or presentments by grand jury

Recordings of criminal proceedings

Summons, criminal

D. Dockets

Alimony and child support dockets and ledgers

Appeal dockets

Appearance and rule dockets

Bar dockets

Delinquent tax docket book

Execution dockets and indexes

Grand jury dockets

Motion dockets

Rule dockets and indexes

Worker's compensation dockets

E. Financial Records

Bills of costs

Case ledgers

Fee reports

General account ledgers

Payroll records

Receipt books, delinquent tax

Unclaimed funds, record of

F. Index Books

Divorce and adoption cases, index

General index

Hospital lien index

Judgment index books

Minute books and indexes

G. Process, Court Orders, Writs, Etc.

Affidavit of complaint

Attachments on personal property

Attachments on real property

Capias

Criminal citation

Executions

Fieri facias

Garnishments

Habeas corpus, writs of

Mittimus

Replevin warrants (writs of possession)

Search warrants

Subpoenas

Warrants

Writ of possession

H. Reports

Audit reports

Delinquent tax collections reports

Grand jury reports

Litigation tax reports

Revenue dockets or reports

Sale books or reports

Special commissioners reports

Worker's compensation payment records

I. Other Records

Adoption files

Bastardy proceedings, records of

Bastardy cases and changes of names, records of

Domestic relations records

Hospital lien

Hospital lien book

In memoriam books

Judgment books

Jury books

Jury commission records

Jury list book

Land condemnation records

Land sale newspaper clippings

Minute books
Naturalization records
Plan and plat records
Receipts for papers
Sale books
Sheriff's receipt books
Witness books

***Obsolete Circuit and Criminal
Court Records***

Enrollment books
Retired cases dockets
Subpoena and commission dockets

05 Clerk and Master Records

A. Civil Action Files

Briefs
Chancellor's opinions
Civil actions, record of
Discovery records
Doctor's depositions in workers compensation cases
Summonses
Trial exhibits and evidence

B. Bonds

Appearance and bail bond records
Attachment and injunction bonds
Cost bonds, civil cases
Guardian's bonds
Miscellaneous bond books

C. Dockets

Alimony and child support dockets
and ledgers
Appeal dockets
Appearance and rule dockets
Bar dockets
Delinquent tax docket book
Distribution dockets
Execution dockets and indexes
Guardian and trustee dockets
Motion dockets
Rule dockets and indexes
Worker's compensation dockets

D. Financial Records

Fee books

General account ledgers

Investment ledger

Notes

Payroll records

Receipt books

Receipt books, delinquent tax

Unclaimed funds, record of

E. Guardian and Conservatorship Records

Administrator and guardian notifications, (appointments) record of

Conservator's bonds

Conservator's bonds, record of

Conservator's settlements, record of

Guardian's bonds and letters

Guardian files

Guardian rule dockets

Guardian settlements, record of

Ward receipts

F. Index Books

Divorce and adoption cases, index

General index

Guardian index

Judgment index books

Minute books and indexes

G. Probate Court Records

Abstracts of conveyances

Administrator's bonds

Administrator's bonds and letters, record of

Administrator's files (wills may be annexed)

Administrator's rule dockets

Administrator's settlements, record of

Estate receipts of executors, administrators and clerk

Estate sales, accounts of

Estate settlement files

Executor's bonds

Executor's bonds and letters index Executor's bonds and letters, record of

Executor's files

Executor's rule dockets

Executor's settlements, record of

Homestead, dower and dissent records

Insolvent estates proceedings, record of

Inventories of estates, record of

Land sales, record of

Notes, record of

Probate court minutes

Realty transfer record— probate court
Receipt books (a k a distribution of estates books)
Receipts, miscellaneous
Rule dockets
Settlements
Trustees and assignee's bonds and oaths
Trustees and assignee's bonds and oaths, record of
Widows' and orphans' provisions, record of
Wills
Wills, record of
H. Process, Court Orders, Writs, Etc.
Attachments on personal property
Attachments on real property
Executions
Fieri facias
Garnishments
Habeas corpus, writs of
Replevin warrants (writs of possession)
Subpoenas
Warrants
Writ of possession
I. Reports
Audit reports
Clerk and master (financial) reports
Delinquent tax collections reports
Litigation tax reports
Revenue dockets or reports
Sale books or reports
Special commissioners reports
Worker's compensation payment records
J. Other Records
Adoption files
Chamber minutes and indexes
Delinquent tax lists
In memoriam books
Insanity proceedings, record of
Insurance policies
Land condemnation records
Land sale newspaper clippings
Names and birth dates corrected, records of
Naturalization records
Non-support files
Plan and plat records
Publication books

Witness books

***Obsolete Clerk and
Master Records***

Enrollment books

Fee reports

Judgment books

Retired cases dockets

Subpoena and commission dockets

06 General Sessions Court Records

Forcible entry and detainer process

General sessions docket book, civil

General sessions docket book, criminal (state)

Reports (general sessions)

Warrants

Warrants and orders, miscellaneous

Obsolete General Sessions Records

Justice of the peace civil dockets

Justice of the peace criminal dockets

07 Juvenile Court Records

Investigative files and reports

Judge and referee orders

Juvenile court docket

Juvenile court minutes

Petitions

Rule dockets and indexes

08 Department of Education Records

Accountability for 200 days

Annual report of professional personnel

Attendance agreements of out-of-district and out-of-state students

Audits of internal school activity funds

Audits of local school departments

Budget, annual operating

Building plans

Bus operator's bonds (blanket bonds)

Career ladder—certifications recommendation form

Career ladder—local evaluation report form for probationary, apprentice, and career level I teachers

Certifications of certificated personnel

Contracts, construction

Contracts, employee

Contracts, personal service of independent contractor

Cumulative pupil record
Deeds
Eighth grade graduates report
Federal title projects records
Financial report, annual public school
Fire safety inspection and similar reports
General ledger accounts
High school diploma certification and roster of graduates
Home school registration form
Immunization records
Insurance policies
Inventories
Invoices (also purchase orders, requisitions, etc.)
Legal opinions and court decisions
Membership/attendance reports
Minutes, board of education
Monthly trustee's report
Petitions
Preliminary report—grades PK-12 school report
Preliminary report—Summer school
Preliminary staff report
Receipts
Reconciliation of fund cash to trustee
Report of school system/school compliance
Requisition for equivalency highschool diplomas
School food service reports
Special education census
Special education—certification of services and listing of inappropriately served and of suspected students with disabilities
Special education record
Statistical report, annual
Superintendent's report of suspensions and expulsions
System-wide personnel compliance sheet
Textbook reports
Transportation report, annual pupil
Vehicle maintenance record
Vocational education final expenditure report
Vocational education—mgmt. info sys. (MIS) enrollment form
Vocational—technical education (adult) statistical report
Warrants
Warrant register

Obsolete Education Records

Census records

Final BEP accountability summary
In-school suspension and/or alternative school records
Orders and assignments by teachers
Out of district attendance reports
Principal's monthly attendance report
Quarterly financial report to county legislative body
Requests for holding in abeyance
School plant report, annual
School registers
Tennessee Foundation report
Vocation education—program enrollment and information sheet

09 Election Commission Records

Absentee ballots, application for
Absentee voters, list of
Audit of election results
Ballots (paper)
Ballots (sample)
Candidate lists
Certificate of election
Certification of political party nominees
Death notices
Election commission correspondence, general
Election commission correspondence, policy and procedures
Election commission, meeting agenda and election notices
Election commission minutes
Election results
Financial disclosure statements and supplemental reports
Financial records
Financial records, budget
Legal records
Official statement of results
Personnel records
Poll books (duplicate)
Poll worker records
Precinct maps
Public notices
Purchasing records
Purged voter cards
Reapportionment records
Qualifying petitions
Register of poll watchers
Staff reports
Tabulation of election results

Voter registration by mail, list
Voter registration records, inactive files
Voter registration records, verification/confirmation programs
Voter signature list
Voting machines, records of
Voting machine keys, record of

10 Highway Department Records

Annual work program for state aid
Bids
Bridge project files, federal, state and local
County road list
Deeds of rights of way, easements, etc.
Equipment inventory
Fence row agreement
Grant documentation and files
Insurance policies
Invoices (not part of a bridge or road project file)
Mining report
Minutes of bid openings
Minutes of highway commission meetings
OSHA records and other records on injuries
Outstanding warrants, list of
Personnel records
Reports to county legislative body
Road project files
Settlement agreements
Sign inventory
Warrants (copies) and/or warrant book stubs
Work orders

Obsolete Highway Dept. Records

Gasoline report to state (copy)

11 Register of Deeds Records

Affidavit releases
Articles of association
Articles of conversion
Bills of sale
Bonds of county officials, register of
Bond to discharge lien
Certificate of limited partnership
Certificate of merger
Charters, record of

Contracts (personal property)
Deed indexes, direct and indirect
Deeds, record of
Deeds of trust, record of
Dormant mineral interest book
Farm names, register of
Greenbelt applications
Greenbelt certifications of agricultural use
Judgment enrollment records
Land entries
Land grants
Land sold for taxes, record of
Leases
Liens, mechanic
Liens, mechanic and materialmans
Liens, notice of lawsuit
Liens, tax
Maps and map books
Military discharges, records of
Mortgages, real estate, index to
Mortgages, real estate, record of (trust deeds)
Notebooks
Notice and terminations of lis pendens
Notice of completion
Oil and gas leases
Options to purchase land
Plats, plat books, and indexes
Powers of attorney, record of
Releases of mortgages, liens and deeds of trust on land, record of
Reports of register to county executive and/or county commission
Reports of state transfer and mortgage taxes to dept. of revenue
Surveyor's books
Underground utilities, notice of
Uniform commercial code instruments
U.C.C. instruments, index for

Obsolete Register's Records

Bankruptcies, record of
Chattel mortgages, record of
Chattel mortgage indexes
Register's dockets (bills of sales)
Tobacco Loan Books

12 Sheriff's Records

Accident reports
Armory records
Arrest records (and case files)
Board bills
Case files
Cash journal
Complaint reports (citizen)
Fingerprinting records
Identification files
Inmate census records
Inmate conduct records
Inmate financial records
Inmate grievance records
Inmate medical records
Inmate registers (jail registers)
Inmate visitation records
Internal investigation records
Judgment orders (a k a statement of sentence) and release orders
Missing person/runaway records
Mittimus (committal records)
Pawnbroker's records of transactions
Personnel records
Processes served, record of
Psychological evaluations of inmates
Radio logs
Receipt books (general)
Receipt for property returned to inmate on release
Reports of inmates/prisoners
Reports of jail inspections
Reports of trustees
Sheriff's sales, records of
Training records
Vehicle maintenance records
Vouchers
Workhouse commission minutes
Workhouse docket
Workhouse expenses, record of
Work release financial records

Obsolete Sheriff's Records

Weapons, permits to purchase

13 Solid Waste Department and Landfill Records

A. Planning Records

Annual solid waste progress report by the region
Creation and formation of solid waste region, records of
Ten year municipal solid waste region plan
Updates to municipal solid waste plan

B. Recycling Records

Annual report of materials collected at recycling center by operator

C. Landfill Records

Amount of solid waste (in tons) received at municipal solid waste facilities, records of
Approved permit applications for solid waste disposal facilities
Closure/post-closure landfill plan
Gas migration control standard
Groundwater sampling records
Monitoring records
Permit-by-rule authorizations and records
Random inspection records
Special waste approvals and records

14 Trustee Records

Bank deposit books
Bank deposit slips
Bank statements
Canceled checks
Cash books
Cash journals
Check books
Delinquent real estate tax reports
Delinquent tax receipt books
Dog tax books
General (misc.) receipt ledgers
Investment ledgers
Misc. receipts from other offices receiving money, records of
Pickup tax books
Property tax relief report
Receipt books
Reports, daily (cash reconciliation)
Reports of trustee to county legislative body and county executive (duplicate copy)
Sales tax reports
Special district supplemental tax books
Tax books (a k a tax lists, tax roll, roll books)
Tax cases sent to clerk and master, record of
Tax collector's or tax deputies report to trustee
Warrants
Warrant registers

Obsolete Trustee Records

Delinquent poll tax books
Fee books
Highway account books
Poll tax books
Receivable warrant registers
Road improvement assessment books
Road overseer settlement books
Road warrant books
School fund books (receipts and disbursements)
School receipt register books
School receipts, reports of
Tax exemptions for fox scalps, record of

15 Accounting, Purchasing and Miscellaneous Records

Accounts paid files and ledgers
Autopsy
Bank deposit books
Bank deposit slips
Bank statements
Bids, successful (on equipment and supplies)
Bids, unsuccessful
Bonds, records of
Building plans
Canceled checks
Cash books and cash journals
Check books
Contracts
Correspondence files
Facility inspection and maintenance records
Fee books
Fixed assets inventory
Grant development and proposal files
General ledger
General ledger accounts
Insurance policies
Invoices
Leases and agreements
Minutes
Minutes of bid openings
Payroll records
Purchase orders
Receipts and receipt books
Requisitions and requisitions for purchase

Successful bids
Travel Authorizations
Unclaimed funds, record of
Vehicle maintenance records
Warrants

16 Employment Records

Advertisements regarding job openings, promotions, training programs or overtime work
Age records
Americans with disability act— employer records
Applications, resumes or other replies to job advertisements, including temporary positions
Bloodborne pathogens/infectious material standard
Citizenship or authorization to work
Contracts, employment
Demotion records
Discrimination or enforcement charges
Drug testing records
EEOC information
Employee earnings records
Employer information report
Employment tax records
Family and medical leave act records
Garnishment documents
Group health insurance coverage after certain qualifying events
Hazard communications (hazardous materials exposure records)
Hiring records
Insurance/retirement plans
Layoff selection
Material safety data sheets
Military leave records
Occupational injuries and illness records
Older workers benefit protection act— employer records
Payroll records—additions or deductions from records paid
Payroll records for age discrimination in employment act purposes
Payroll records for FLSA—exempt and non-exempt employees
Payroll records for Title VII purposes
Payroll records—records regarding basis for determining wage levels
Personnel files
Personnel policies
Physical/medical records
Physical/medical records under FMLA
Physical/medical records under OSHA
Promotion records or notices
Seniority or merit rating systems

Termination records
Transfer records
Travel authorizations
W-2s and 941s
W-4s
Wage rate tables

17 Animal Control Records

Activity reports
Adoption contracts
Annual reports
Bite reports
Complaints, record of
Controlled substances, log of
Dispatching log
Euthanasia report
Field reports (daily)
Impound log
Rabies certificate
Return to owner, records of
Spay/Neuter deposit, record of
Surrender of Animal, record of

18 Fire Department Records

Arson investigation reports
Bloodborne pathogens/infectious materials standard
Burn permits
Fire incident reports
Fire safety inspection and similar reports
Firefighter annual certification of fitness to perform job functions
Firefighter annual facemask fit test records
Material safety data sheets
Physical/medical records
Radio and telephone logs
Time worked records
Training records
Vehicle and equipment maintenance records

19 Planning and Zoning Records

Board of zoning appeals action
Building inspection and similar reports
Comprehensive growth plan
Minutes of commissions and boards
Plan and plat records

Regional plan or major road plan
Reports/recommendations of the planning commission to the governing body
Request for zoning change
Studies and reports of the planning commission
Subdivision regulations
Zoning map and ordinance

Appendix A: Statutory Provisions Governing County Public Records and the County Public Records Commission

Reference Number: CTAS-2070
APPENDIX A

STATUTORY PROVISIONS GOVERNING COUNTY PUBLIC RECORDS AND THE COUNTY PUBLIC RECORDS COMMISSION

TENNESSEE CODE ANNOTATED

TITLE 10. PUBLIC LIBRARIES, ARCHIVES AND RECORDS

CHAPTER 7. PUBLIC RECORDS

PART 4--COUNTY PUBLIC RECORDS COMMISSION

(Current through the end of the 2005 Regular Session)

SECTION

10-7-401 County public records commission created—Membership.

10-7-402 Organization of commission— Compensation—Meetings.

10-7-403 "Public records" defined.

10-7-404 Destruction of public records authorized—Conditions prerequisite to destruction—Records manual.

10-7-405 [Repealed]

10-7-406 Original records photographed in duplicate before destruction—Stored for safekeeping—Accessible to public.

10-7-407 [Repealed]

10-7-408 Appropriation of funds.

10-7-409 Charges for copies of records authorized.

10-7-410 Reproductions admissible as evidence.

10-7-411 Rules and regulations of commission.

10-7-412 Destruction of public records authorized—Terminated mortgages, deeds of trust, chattel mortgages.

10-7-413 Preservation of records of permanent value.

10-7-414 Transfer of records to institutions or to state library and archives to be held for historical purposes—Funds for transfer and maintenance of records.

§ 10-7-401. County public records commission created—Membership.

In order to provide for the orderly disposition of public records created by agencies of county government, the county legislative body shall create within the county a county public records commission, composed of at least six (6) members. The county mayor shall appoint three (3) members and the county legislative body shall confirm each appointee. Of the three (3) appointees, one (1) shall be a member of the county legislative body, one (1) shall be a judge of one of the courts of record which holds court in the county and one (1) shall be a genealogist. The county clerk, or the designee of the county clerk, county register and the county historian shall be ex officio members of the commission. In counties having a duly appointed county archivist, that person shall also serve as an ex officio member of the commission. Each elected member of the commission shall hold office during the term for which the

member was elected to office. If a vacancy occurs in one (1) of the appointed positions, the county mayor shall appoint a person in the same manner as the original appointment.

§ 10-7-402. Organization of commission—Compensation—Meetings.

The county records commission shall elect a chairperson and a secretary and shall keep and preserve minutes of all its proceedings and transactions. Members of the commission shall receive no compensation except that any member who does not receive a fixed annual salary from the state or the county may be paid a per diem of twenty-five dollars (\$25.00) for each day of actual meeting. Members may be reimbursed for actual necessary expenses incurred in attendance upon their duties. The commission shall meet not less than twice annually.

§ 10-7-403. "Public records" defined.

Public records within the county shall be construed to mean:

- (1) All documents, papers, records, books, and books of account in all county offices, including, but not limited to, the county clerk, the county register, the county trustee, the sheriff, the county assessor, the county mayor and county commissioners, if any;
- (2) The pleadings, documents, and other papers filed with the clerks of all courts including the courts of record, general sessions courts, and former courts of justices of the peace, and the minute books and other records of these courts; and
- (3) The minutes and records of the county legislative body.

§ 10-7-404. Destruction of public records authorized—Conditions prerequisite to destruction—Records manual.

(a) The county public records commission has the right to authorize the destruction of any and all public records as defined in § 10-7-403, which are required by law to be retained, when such records have been photocopied, photostated, filmed, microfilmed, or preserved by microphotographic process, as hereinafter provided; provided, that no record required by law to be permanently retained shall be destroyed without a majority vote of the commission. A county officer or judge of a court of record shall be entitled to prevent the destruction of documents, minutes, or records in the office or court, as appropriate. The requirement to photocopy, photostat, film, microfilm, or preserve by microphotographic process prior to destruction in accordance with this section shall not be required of "temporary records" and/or "working papers" as defined in §§ 10-7-301 and 10-7-403. The commission does not have the authority to authorize the destruction of any financial or other record which is determined by the comptroller of the treasury to be required for audit purposes until the pertinent audit has been completed. After the audit, disposition will be determined pursuant to procedures developed by the comptroller; provided, that the commission shall not have the authority to authorize the destruction of any other record which is otherwise required by law to be retained.

(b) The county technical assistance service, a unit of the Institute for Public Service of the University of Tennessee, is authorized to compile and print manuals, in cooperation with the state library and archives, and the division of records management, department of general services, which shall be used as guides by all county public records commissions, county offices, and judges of courts of record, setting out which records shall or may be destroyed, and those which should not be destroyed, after photographing, photostating, filming, microfilming, or other microphotographic process. Until these manuals are available, the Tennessee county records manual compiled by the Tennessee state library and archives shall be used.

(c) Nothing in § 10-7-401, § 10-7-413(c) [Note: Section 10-7-413(c) was transferred to 10-7-511 by Acts 1999, Chapter 167], subdivision (b)(2) of this section, or the amendment to § 10-7-403(4) by Acts 1994, ch. 884, shall be construed to permit or authorize a county public records commission, a court clerk, a county or municipal official or any other person to destroy or authorize the destruction of any original process in a civil action or criminal proceeding.

(d)(1) In addition to the foregoing procedure for the destruction of original public records, the county public records commission may, upon the request of any office or department head of county government having custody of public records, including court records, authorize the destruction or transfer of original public records which have been reproduced onto computer or removable computer storage media, including CD ROM disks, in accordance with the provisions of Section 10-7-121 and this subsection. The secretary of state, as supervisor of the state library and archives, shall promulgate regulations regarding the approved technology, standards and procedures for reproducing public records under this subsection which shall be followed by county officers, department heads and the county public records commission. Additionally, the county public records commission shall not order the destruction of such original public records which have been reproduced pursuant to this subsection unless the county public records

commission has complied with the provisions of Sections 10-7-413 and 10-7-414. Prior to any order of destruction or transfer of any original public records pursuant to this subsection, the officer or department head having custody of such records shall advertise in a newspaper of general circulation in the county, and in counties having a population in excess of two hundred thousand (200,000) according to the 1990 Federal Census or any subsequent federal census, also in a weekly newspaper, that certain records of the office or department, to be described in the advertisement by title and year, have been electronically stored, reproduced and protected and that the office or department has applied for permission to no longer retain such originals. The authority to destroy original public records granted by this subsection is not exclusive and shall not prevent the destruction of original public records where otherwise authorized.

(2) If the county public records commission fails to act upon a request of a county officer or department head having custody of public records to order the destruction or transfer of original public records after the same have been reproduced in accordance with this subsection within six (6) months of receiving such a request in writing, then the county officer or department head may forward the request to the State Library and Archives, whereupon the state librarian and archivist, or his or her designated representative, shall have authority to authorize the destruction or transfer of the public records instead of the county public records commission. Failure of the State Library and Archives to respond to the records disposal request of the county officer or department head within nine (9) months of receiving such a request shall authorize the county officer or department head to destroy the original public records which have been reproduced in accordance with any regulations on this subject promulgated by the secretary of state.

§ 10-7-405. Repealed by 1994 Pub.Acts, c. 884, § 4, eff. May 2, 1994

§ 10-7-406. Original records photographed in duplicate before destruction—Stored for safekeeping—Accessible to public.

(a)(1) When the county public records commission, with the consent and concurrence of the officers and bodies, if any, as prescribed in §§ 10-7-404 and 10-7-405, shall decide to destroy the originals of any records required by law to be permanently kept, the commission shall cause the records to be photographed, microphotographed, filmed or microfilmed in duplicate. This duplication process shall result in permanent records of a quality at least as good as is prescribed by the minimum standards of quality for permanent photographic records made and established by the bureau of standards of the United States government. If a marginal release or other information on an old record has failed or has been obliterated to a degree that it is impossible to photograph, the same may be verified on the margin by the register before microfilming. One (1) copy of such reproduction shall be stored for safekeeping in a place selected by the commission and concurred in by the county legislative body.

(2) Such place shall be in the state if proper facilities are available, but, if not, then in a place outside the state.

(3) Such location shall be selected with a view of protection of the records from fire and all other hazards. The other copy of each document shall be kept in an office in the county accessible to the public and to the several county officers and the county clerks, together with the proper equipment for using examining, exhibiting, projecting and enlarging the same wherever required and requested by the public during reasonable office hours. The records of each office may be kept in that office, or, if the commission so determines, all the reproduced records may be kept in one (1) central records office.

(b) Any public record defined as "temporary record" and/or "working papers" as defined in § 10-7-301 may be destroyed in accordance with the rules and regulations adopted by the commission without retaining the originals of such records.

(c) The purpose and intent of this chapter is to provide for the original recording of any and all instruments by photograph, photostat, film, microfilm or other microphotographic process. If any laws or part of laws as set forth in this chapter are in conflict with such purpose, such laws or part of laws to that extent are hereby repealed.

§ 10-7-407. Repealed by 1994 Pub.Acts, c. 884, § 5, eff. May 2, 1994

§ 10-7-408. Appropriation of funds.

(a) The county legislative body of any county which shall create a county records commission has the power to appropriate such funds as may be required for the carrying out of the purposes of this chapter including, but not limited to, the purchase or leasing of equipment, the equipping of an office and the payment of the expenses thereof, the furnishing of secretaries and clerical help and the employment of expert advice and assistance.

(b) In any county having a population greater than eight hundred ninety-seven thousand (897,000), according to the 2000 federal census or any subsequent federal census, if the county legislative body

creates a county records commission, then the county legislative body is authorized to:

(1) Appropriate such funds as may be required for carrying out of the purposes of this chapter including, but not limited to, the purchase or leasing of equipment, the equipping of an office and the payment of the expenses thereof, the furnishing of secretaries and clerical help and the employment of expert advice and assistance; and

(2) Establish and collect, through all entities creating public records as defined in § 10-7-403(1) and § 10-7-403(3), except for the office of county register, an archives and record management fee not to exceed two dollars (\$2.00) per document filed. Funds collected through this fee must be designated exclusively for duplicating, storing, and maintaining any records required by law to be permanently kept.

§ 10-7-409. Charge for copies of records authorized.

The county records commission has the power to establish charges for and to collect such charges for making and furnishing or enlarging copies of records.

§ 10-7-410. Reproduction admissible as evidence.

Any reproduction of any record herein authorized to be made shall be deemed to be the original of the record so reproduced for all purposes, and any facsimile of such record duly certified to be such by the officer or clerk charged by law with the custody thereof shall be admissible as evidence in any court or proceeding in this state and shall have the same force and effect as would the original of the document or a certified copy thereof if made from the original record, document or paper.

§ 10-7-411. Rules and regulations of commission.

(a) The county records commission has the authority to promulgate reasonable rules and regulations pertaining to the making, filing, storage, exhibiting, and copying of the reproductions of records authorized by this chapter.

(b) Such rules and regulations shall provide, but not be limited to, the following:

(1) Standards and procedures for the reproduction of records for security or for disposal of original records in all county offices;

(2) Procedures for compiling and submitting to all county offices lists, schedules or time tables for disposition of particular records within the county; and

(3) Procedures for the physical destruction or other disposition of public records.

(c) All rules and regulations shall be approved by a majority of the voting members of the county public records commission. The chair of the commission shall sign all rules and regulations on behalf of the commission.

§ 10-7-412. Destruction of public records authorized—Terminated mortgages, deeds of trust, chattel mortgages.

The county records commission has the right to authorize the destruction of any and all public records as defined in § 10-7-403 pertaining to all mortgages and deeds of trust on personal property and chattel mortgages, the terms of which have expired or the conditions of which have been complied with in their entirety; provided, that no such document or record of the county register's office shall be destroyed without the consent of the county register; and provided further, that no such mortgages and deeds of trust on personal property and chattel mortgages shall be destroyed without a majority vote of the county records commission.

§ 10-7-413. Preservation of records of permanent value.

(a) Before any records other than "temporary records" and/or "working papers" as defined in § 10-7-301 are destroyed, after being so authorized by the county public records commission, ninety (90) days' notice shall be given to the state librarian and archivist, whereupon the state archivist or the archivist's representative shall examine the records approved for disposal and shall take into the archivist's possession, for preservation in the state library and archives, any records the archivist believes to be of value for permanent preservation. If a county public records commission does not receive a response from the State Library and Archives within nine (9) months of submitting the notice required under this subsection, the county public records commission may proceed with the destruction of the records which were the subject of the notice.

(b) The county public records commission has the right to authorize the lamination of certain original records such as wills, will books, deeds, deed books, marriage licenses, marriage bonds, marriage registers, and other records which are to be permanently preserved.

§ 10-7-414. Transfer of records to institutions or to state library and archives to be held for

historical purposes—Funds for transfer and maintenance of records.

(a) The county public records commission, after authorizing destruction of any public records and after examination of these records by the state librarian and archivist or the state librarian and archivist's representative in accordance with § 10-7-413, may authorize, by majority vote, to place any document or record which would otherwise be destroyed in the custody of a local or regional public library, a local, regional, or state college library, or the county or regional historical society, to be held for historical purposes.

(b) After custody of any document or record is given to any designated institution, the county public records commission, upon majority vote, may transfer custody of any document or record to another designated institution after giving one (1) month's notice to the institution originally designated. Further, upon request of the state librarian and archivist, the county public records commission may cause the transfer of any of the documents or records from a designated institution to the state library and archives.

(c) The county public records commission is authorized to expend funds appropriated by the governing body of the county for the purpose of transferring these documents and records, and may also expend funds so appropriated for maintenance of these documents and records at any of the designated institutions.

Appendix B: Tennessee Archives Management Advisory

Reference Number: CTAS-2071

APPENDIX B

TENNESSEE ARCHIVES MANAGEMENT ADVISORY

(TAMA) 99-007

From: William W. Moss, Assistant State Archivist
To: Records Keepers in State and Local Government Agencies
Subject: Guidelines for the use of digital imaging for permanent records^[1]

Date: 13 June 1999

- State and local government officials hold public records in trust. They are legally obliged to protect public records and to make them readily accessible regardless of the records storage media. These guidelines will help public officials design responsible digital imaging systems for creating and maintaining long-term archival records.
- The guidelines are good advice. They are based on national technical standards, established practices, and research in the professional literature. The guidelines identify critical issues in designing, selecting, implementing, and operating digital imaging technologies. These issues are especially important for systems used for mission critical records or for long-term archival records.
- Digital imaging is the ability to capture, store, retrieve, display, process, and communicate or disseminate records electronically using a variety of hardware and software components. Digital imaging technology continues to change rapidly, but with proper planning and design, an agency can significantly improve its business operations without endangering records or procedures because of technology obsolescence.
- Maximum potential benefits of digital imaging systems can best be achieved through an agency planning process. This process examines the information needs and records requirements of the agency as a whole rather than a single, isolated application.

CAVEAT

ELECTRONIC RECORDS ARE NOT PERMANENT.

The following guidelines do **not** guarantee the assured survival of permanent records, essential records, or records of archival value as defined in *Tennessee Code Annotated* § 10-7-301. They do offer the best chance that records will survive transitions from one digital information system to another and from one generation to another of the same information system.

The only media that will assure long-term survival of essential, permanent, or archival records are still carbon-based ink on acid-neutral paper and archival quality silver gelatin microfilm created and kept under conditions that meet archival standards. Records keepers should identify

such records, appraise their value, and if found to be worth permanent retention should take steps to preserve them in archival media.

GUIDELINES^[2]

PROJECT PLANNING

Recommendation 1: Prior to selecting a digital imaging system, conduct a records and workflow analysis to determine and to make a reliable record of existing and planned agency information needs.

Recommendation 2: Prior to selecting a digital imaging system, conduct a cost benefit analysis to determine the cost justification of a system purchase and to determine the possible benefits to the agency with its implementation.

SYSTEM SPECIFICATIONS AND SELECTION

Recommendation 3: Require an open systems architecture for digital imaging applications or require vendors to provide a bridge to systems with non-proprietary configurations.

Recommendation 4: Where data longevity or records integrity is a primary concern use a recording medium that is NOT rewritable.

Recommendation 5: Use a non-proprietary digital image file format. If using a proprietary format, provide a bridge to a non-proprietary digital image file format.

Recommendation 6: Use International Telecommunications Union (ITU) Group 3 and Group 4 compression techniques or have the vendor provide a bridge to these techniques.

Recommendation 7: When determining document scanning resolution, consider data storage requirements, document scanning throughput rates, and the accurate reproduction of the image. Validate vendor claims using a sampling of the agency's documents.

Recommendation 8: Select equipment that conforms to the standard methodology for media error detection and correction. The system should provide techniques for monitoring and reporting verification of the records stored on a digital optical disk, and the system administrator should actively follow the status of the monitors.

Recommendation 9: Specify that the Small Computer System Interface (SCSI) command "Write and Verify" is used when writing data to digital optical disks.

Recommendation 10: Use an indexing data base that provides for efficient retrieval, ease of use, and up-to-date information about the digital images stored in the system. The indexing data base should be selected after an analysis of agency operations and user needs.

Recommendation 11: Provide specific plans for an ongoing process of migrating long-term and archival records from older to newer hardware and software platforms.

Recommendation 12: Integrate into the system design a comprehensive records retention and disposal schedule for the entire system.

SYSTEM IMPLEMENTATION

Recommendation 13: Assign a permanent staff member as systems administrator and require the vendor to provide a project director during the installation and training periods.

Recommendation 14: Establish operational practices and provide technical and administrative documentation to ensure the future usability of the system, continued access to long-term records, and a sound foundation for assuring the system's legal integrity.

Recommendation 15: Perform a visual quality control evaluation of each scanned image and related index data. Write the scanned image to optical media only after the evaluation process is completed.

Recommendation 16: Design backup procedures to create security copies of digitized images and their related index records.

Recommendation 17: Provide adequate environmental conditions for the digital optical disks.

Recommendation 18: Budget annually between 15 and 20 percent of the original system acquisition cost for upgrades, training, and maintenance.

Recommendation 19: Long-range planning and budgeting should include provision for replacement of existing systems at least every 10 years.

IF YOU NEED ASSISTANCE

The Records Management Division of the Department of General Services and the Office for Information Resources of the Department of Finance and Administration provide assistance to state and local government agencies regarding the records administration considerations affecting the design and implementation of digital imaging systems. Direct questions or comments concerning digital imaging technologies, or this technical leaflet, to the Tennessee State Library and Archives, 403 Seventh Avenue North, Nashville, Tennessee 37243-0312 (615) 741-2561. For technical assistance questions concerning the design and implementation of digital imaging technologies contact the Office of Information Resources, Department of Finance and Administration, State Capitol, Nashville, Tennessee 37243-0285 (615) 741-2401.

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National Archives and Records Administration and National Association of Government Archives and Records Administrators. "Digital Imaging and Optical Media Storage Systems: Guidelines for State and Local Government Agencies." Washington, D.C. 1991.

Saffady, William. "Stability, Care and Handling of Microformns, Magnetic Media and Optical Disks." *Library Technology Reports*, Vol. 27, January/February 1991: 63-87.

Warner, Will. "Special Report: An Introduction to TIFF." *Inform*, Vol. 5, February 1991: 32-35.

[1] Tennessee State Library and Archives acknowledges the nationally-respected model guidelines of the Alabama Department of Archives and History and other state, national, and international recommendations as the basis for these guidelines.

[2] The guidelines are given in a condensed version. You may request a complete version of the guidelines by contacting the Tennessee State Library and Archives, Local Archives Program at (615) 343-3458; ask for TAMA 99-007.

Appendix C: Sample Resolution to Establish the Membership of the County Public Records Commission

Reference Number: CTAS-2072
APPENDIX C

SAMPLE RESOLUTION TO ESTABLISH THE MEMBERSHIP OF THE COUNTY PUBLIC RECORDS COMMISSION

WHEREAS, Tennessee Code Annotated, Section 10-7-401, directs the county legislative body to appoint a county public records commission in order to provide for the orderly disposition of public records created by agencies of county government; and

WHEREAS, Tennessee Code Annotated, Section 10-7-401, directs that the membership of the public records commission shall have at least six (6) members, with the county mayor appointing three (3) members subject to the confirmation of the county legislative body with one (1) of those appointees being a member of the county legislative body, one (1) appointee being a judge of a court of record in the county and one (1) appointee being a genealogist; and

WHEREAS, Tennessee Code Annotated, Section 10-7-401, directs that the county clerk, county register, county historian, and (of there be one appointed) county archivist shall be *ex officio* members of the commission; and

WHEREAS, the county legislative body of _____ County has determined it is in the best interests of _____ County to confirm the appointment of the following persons to the _____ County Public Records Commission;

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of _____
County, Tennessee, that the following persons are confirmed as the members of the
_____ County Public Records Commission:

Member of the County Legislative Body

Judge of a Court of Record

Genealogist

County Clerk (or the designee of the county
clerk), *ex officio* member

County Register, *ex officio* member

County Historian, *ex officio* member

County Archivist, *ex officio* member

Member at large

This Resolution shall be effective upon its passage and approval, the public welfare requiring it.

Adopted this _____ day of _____,
_____.

APPROVED: County Mayor

ATTEST: County Clerk

Appendix D: Sample Resolution to Establish a County Archives

Reference Number: CTAS-2073

APPENDIX D

SAMPLE RESOLUTION TO ESTABLISH A COUNTY ARCHIVES

WHEREAS, *Tennessee Code Annotated, Title 10, Chapter 7*, requires that records of permanent value be preserved and made available for public inspection; and

WHEREAS, the Secretary of the State of Tennessee, through the Tennessee State Library and Archives, advises that the most effective and economical means of achieving this public benefit with respect to the keeping of older local records is through the administration of a local government archives;

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of _____ County, Tennessee, meeting in regular session at _____, Tennessee, that

Section 1. The County Archives of _____ County is hereby established as a department of county government to operate according to the rules and regulations set by the _____ County Public Records Commission and under the direction of the county mayor;

Section 2. Pursuant to **T.C.A. § 5-6-106(c)**, the county mayor shall appoint a archives manager subject to the confirmation of the county legislative body. The manager shall report to and serve at the pleasure of the county mayor.

Section 3. The archives shall be the repository for inactive permanent records of the County that are no longer required by county offices for current operations, and county government offices shall transfer inactive records to the archives upon the completion of their retention terms set by the public records commission.

Section 4. The archives shall hold title, dominion, and control of the said records in trust for the citizens and government of _____ County, and shall permit no harm nor loss to the records to deprive the citizens and government of the county of the property or benefit of the said records.

Section 5. The archives shall keep and maintain the said records and shall make them available for public inspection according to the pertinent provisions of **Title 10, Chapter 7 of the Tennessee Code Annotated**, in accordance with archival standards and advice set by the state archives of the Tennessee State Library and Archives, and in accordance with rules and regulations set by the county public records commission.

Section 6. The archives shall be appropriated funds each year by the county legislative body for the necessary facilities, salaries, supplies, services, furnishings, utilities, and other costs to administer the said records.

Section 7. The archives may charge and receive copying fees for the copying of documents in the archives according to a fee schedule proposed by the county public records commission and approved by the county legislative body. Any revenue generated by such fees shall be turned over to the trustee to be deposited in the county general fund but shall be earmarked for expenditure solely for the procurement of archival supplies and services that will help to preserve and protect the records of the county and other valuable historical documents entrusted to the care of the archives.

Section 8. The archives may, with the concurrence of the county public records commission, accept donations of historical materials that are of historical value in documenting the historical experience of the citizens of _____ County, provided that a duly executed deed of gift, accepted on behalf of the county by the county mayor, shall govern the receipt and administration of all such donations, which donations shall be held by the archives in trust for the benefit of the citizens of _____ County.

This resolution shall be effective upon its passage and approval, the public welfare requiring it.

Adopted this _____ day of _____, _____.

APPROVED: County Mayor

ATTEST: County Clerk

Appendix E: Sources of Additional Information

Reference Number: CTAS-2074

APPENDIX E

SOURCES OF ADDITIONAL INFORMATION

Materials Produced by the Tennessee State Library and Archives

The Tennessee State Library and Archives has produced an on-going series of Tennessee Archives Management Advisories. The following list of advisories have been produced to date. Contact the Tennessee State Library and Archives, (615) 741-2561, or CTAS for copies of any advisories that interest

you.

- 99-001 Tennessee Archives Management Advisory (TAMA) series
- 99-002.01 Direct Grants to Local Government Archives [supercedes prevision TAMA 99-002]
- 99-003 Local Archives Development, Classification, and Accreditation
- 99-004 Basic Archives Management Guidelines for Local Archives [Attached to this TAMA is a handbook of basic guidelines for local archives]
- 99-005 Microfilming Permanent Records
- 99-006 Electronic Records Are NOT Permanent Archival Records
- 99-007 Guidelines for the Use of Digital Imaging for Permanent Records
- 99-008 Appraisal and Disposition of Records
- 99-009 Beware of Lamination
- 99-010 Local Archives Mission Statement and Collecting Policy
- 99-011 Resource Directory of Tennessee Archivists
- 99-012 Managing Inactive Records—Guidelines and Models for Local Governments
- 99-013 Vendors of Archival Supplies
- 99-014 Archival Shelving and Cabinetry
- 99-015 Public Records Commissions [Attached to this TAMA is a handbook for Public Records Commissions]
- 99-016 Public Inspection, Confidentiality, and Copying Public Records for the Public
- 99-017 Public Records Microfilming
- 2000-001 Archival Facilities Classification and Specifications of Structures and Component Spaces
- 2000-002 Archival Containers: Tables of Cubic-Foot Equivalents for Containers, Shelving, and Cabinetry Commonly Found in Archives
- 2000-003 Archival Standards for Materials, Processing, and Storage: A Handbook for Records Keepers, Archivists, and Manuscripts Collection Curators
- 2000-004 Reserved for future use
- 2000-005 Archival Standards for Computer Output Microfilm (COM) for Archival Retention
- 2000-006 Glossary of Archival Language for Archives in Tennessee
- 2000-007 Glossary of Information Technology Terms for Archives in Tennessee
- 2000-008 Preparing and Microfilming Archives
- 2000-009 Position Descriptions for County Archivist and County Records Manager

Publications, Organizations

Tennessee State Library and Archives, Local Archive Development Program, 403 Seventh Avenue North, Nashville, Tennessee 37243, (615) 253-3470.

The Association of Records Managers and Administrators (ARMA International), Prairie Village, Kansas, a professional organization, sponsors conferences and seminars and publishes technical materials on filing and records management, including a directory of commercial software for records management. ARMA has local chapters in all large cities and many smaller cities. Members include more than 500 local government records managers. ARMA local chapter meetings, as well as the conferences and seminars, offer opportunities for the interchange of ideas with other local government agencies. ARMA publishes the *ARMA Quarterly*.

American Association for State and Local History, Nashville, Tennessee. This organization has several publications on local government record-keeping.

Improved Management of Local Government Records:

(National Association of Government Archives and Records Administrators)

Stephen E. Haller, CRM

NAGARA Program Officer for Local Government Records

Montgomery County Records Commission and Microfilming Board

451 W. Third Street

Dayton, Ohio 45422

NAGARA Local Government Records Technical Publication Series:

NAGARA Publication

CHMS
 48 Howard Street
 Albany, New York 12207
 (518) 463-8644
 \$3 per copy, \$10 per set of six

These publications contain excellent bibliographical references.

NAGARA series, *The Daily Management of Records and Information*, by David O. Stephens, CRM (November 1991). This publication contains helpful and informative discussions of various "nuts-and-bolts" topics relating to records management, including filing and recordkeeping systems and equipment, daily operation of active and inactive records systems, maintenance of inactive records storage facilities for local governments with less than 1,000 to 2,000 cubic feet of records to store, automated records management, and related topics. The author compares available methods and equipment and offers suggestions as to their proper use. The booklet also contains sample forms and worksheets.

Society of American Archivists (SAA)
 600 South Federal, Suite 504
 Chicago, Illinois 60605
 publishes *The American Archivist*

National Association of Government Archives and Records Administrators (NAGARA)
 Executive Secretariat
 New York State Archives
 10A75 cultural Education Center
 Albany, New York 12230
 (Professional Association)

Federal Emergency Management Agency. *Emergency Management Guide for business and Industry: A Step-By-Step Approach to Emergency Planning, Response and Recovery for Companies of All Sizes*. Washington, DC: FEMA, 1993. Order from: Publications Distribution Center, P.O. Box 2012, Jessup, Maryland 20794

Fortson, Judith. *Disaster Planning and Recovery*. New York: Neal-Schuman Publishers, Inc., 1992. Available from: The Society of American Archivists, 600 S. Federal Street, Suite 504, Chicago, Illinois 60605, Telephone (312) 922-1040.

National Archives and Records Administration, Office of Records Administration. *Vital Records and Records Disaster Mitigation and Recovery*. College Park, Maryland: NARA, 1996. Available from: Publications and Distribution Staff (NECD) RM. G-9, National Archives, Washington, D.C. 20408.

Internet Sites:

[Tennessee State Library and Archives](#)

[Association for Library Collections and Technical Services](#)

[National Association of Government Archives and Record Administrators](#)

[ARMA International](#)

[Information Requirements Clearinghouse](#)

[National Archives](#)

Appendix F: Records Inventory Worksheet

Reference Number: CTAS-2074

APPENDIX F

Records Inventory Worksheet

Records Inventory Worksheet

County, City, Town, etc

Number

1. Department

Division

Section

2. Name and title of officer immediately responsible for series **4. Series number**

5. Description of records series (content, purpose, by whom created, form numbers, etc.)

6. Earliest date/Latest Date **7. Records still being created?** **8. Annual accumulation?**

Yes ____ No ____ Cubic feet _____

9. Arrangement

Alphabetic by _____ **Numeric by** _____ **Other** _____

10. Reference frequency (check, insert number, circle appropriate words)

_____ times daily, weekly, monthly, annually for _____ months, Never after _____ years

11. If there are other copies of these records, including microfilm, identify them:

12. Relationship to other records series (indexed, summarized, listed, etc.)

13. Location of records (building, room, file section, etc.) **14. Volume**

Cubic feet _____

15. Size and format of record **16. Type and quantity of file equipment occupied**

17. Statutory or state archival requirements for retention

18. Suggested retention period with justification

19. Additional comments

20. Inventory taken by and date **Reviewed by and date**

22. Appraisal
Confirms suggested retention period or Substitutes the following:

23. Department head and date**24. Records Officer and date****25. Other local authority and date****26. State Archivist and date**

Appendix G: Records Disposition Authorization for County Government Records

Reference Number: CTAS-2076

State of
Tennessee
TSLA Form RDA 2002

RECORDS DISPOSITION AUTHORIZATION FOR COUNTY GOVERNMENT RECORDS*

County: _____

Office or Agency: _____ Phone: _____

Address: _____

Agency Head/Officeholder: _____

Signature: _____ Date: _____

Action Requested:

- ☐ Continuing Records Disposition Authority (Records Disposition Schedule) ¹
- ☐ One-Time Records Disposition Authority ²
- ☐ Revision of/Exception to Existing Records Disposition Authority ³

☐ Other Disposition (explain in attached memorandum) ⁴

Title/Description of Records: ⁵ _____CTAS Code: ⁶ _____

Date Span of Records (e.g. 1988-1998): _____

Volume of Material (e.g. 25 cubic feet, 3 banker's boxes, 1 Hollinger box): _____

Proposed Disposition: ⁷

- ☐ Retain _____ months/years, then destroy.
- ☐ Retain _____ months/years, then film and destroy paper copy (or erase from computer record).
- ☐ Retain _____ months/years, then transfer to archives.

☐ Approved☐ Not Approved_____
Chairperson, Public Records Commission_____
Date

*For the disposition of additional records, please use the supplemental form provided.

Please use the following instructions to correctly fill out the RDA form.

¹ A Continuing RDA is used for a type of record(s) that an office continually creates and, thus will continually need to destroy. Once a Continuing RDA has been approved, this record type can be destroyed after its retention period without having to submit another request.

² This is a one-time request for records that an office does not typically or continually create. If an office wants to destroy the same type of records at a later date, another request must be submitted.

³ This option allows for a change to an existing RDA that an office has submitted, due to legal or historical or other reason. Be sure to include an explanation for the change.

⁴ Use this option in circumstances where an office needs to destroy a record sooner than CTAS prescribes or that no CTAS disposition is provided at all and the office would like to create one. Be sure to include an explanation of your actions.

⁵ Please write the name or a brief description of the type of record you are requesting action on (e.g. warrants, ballots).

⁶ Use the five-digit CTAS code that corresponds with the record type listed in the *Records Management for County Government* manual.

⁷ This information can be found in the CTAS manual next to the five-digit code and description of record, telling how long an office should keep the record (based on the legal retention schedule) and what an office will do with the record after that period has expired.

For any questions concerning this form or the procedures for using this form, please contact

Dr. Wayne C. Moore, Assistant State Archivist

Tennessee State Library and Archives

(615) 253-3458

Wayne.Moore@state.tn.us

SUPPLEMENTAL REQUESTS FOR ADDITIONAL RECORDS DISPOSITIONS

(Page ____ of ____)

Action Requested:

- ☐ Continuing Records Disposition Authority (Records Disposition Schedule)
- ☐ One-Time Records Disposition Authority
- ☐ Revision of/Exception to Existing Records Disposition Authority

☐ Other Disposition (explain in attached memorandum)

Title/Description of Records: _____

CTAS Code: _____

Proposed Disposition:

- ☐ Retain _____ months/years, then destroy.
- ☐ Retain _____ months/years, then microfilm and destroy original.
- ☐ Retain _____ months/years, then transfer to archives.

Action Requested:

- ☐ Continuing Records Disposition Authority (Records Disposition Schedule)
- ☐ One-Time Records Disposition Authority
- ☐ Revision of/Exception to Existing Records Disposition Authority

☐ Other Disposition (explain in attached memorandum)

Title/Description of Records: _____

CTAS Code: _____

Proposed Disposition:

- ☐ Retain _____ months/years, then destroy.

- ☐ Retain _____ months/years, then microfilm and destroy original.
- ☐ Retain _____ months/years, then transfer to archives.

Action Requested:

- ☐ Continuing Records Disposition Authority (Records Disposition Schedule)
- ☐ One-Time Records Disposition Authority
- ☐ Revision of/Exception to Existing Records Disposition Authority

-
- ☐ Other Disposition (explain in attached memorandum)

Title/Description of Records: _____

CTAS Code: _____

Proposed Disposition:

- ☐ Retain _____ months/years, then destroy.
- ☐ Retain _____ months/years, then microfilm and destroy original.
- ☐ Retain _____ months/years, then transfer to archives.

Appendix H: Additional Disaster Recovery Resources

Reference Number: CTAS-2077

APPENDIX H

ADDITIONAL DISASTER RECOVERY RESOURCES

Disaster Planning for County Records

If county officials or county records commissions would like further guidance or assistance in organizing a disaster planning committee or organizing a disaster preparedness plan please contact:

Preservation Services Section
Tennessee State Library & Archives
403 7th Ave N.
Nashville, Tennessee 37243-0312
615-741-2997
Carol Roberts, Director

(Examples of disaster plans are available upon request.)

Disasters are not just from tornadoes or floods. They are just as likely to be the result of accidental fires, arson, or plumbing problems. It is important to remember that a few advance plans and notes can reduce the cost of recovering permanent records. We may not be able to prevent or stop an accident or disaster but we can certainly try to reduce the damage to the records. Preparing a plan of action will greatly reduce the distress or concern of recovering original permanent records.

A Disaster Recovery or Preparedness Committee should keep some of the plan's details and staff responsibilities current and in practice in the event of a disaster.

A disaster plan should include and or gather some of the following details and resources.

1. Emergency Procedures

- A. Prepare a plan unique to your office, situation, or county. It is best to organize information to be available to everyone who maybe responsible for the building, records and business of the county.
- B. Make notes on the types of anticipated problems, but be prepared to expect the unexpected.
- C. Prepare immediate actions for various types of emergencies for example, fire alarms, bomb threats, tornadoes, flooding, be aware of current county procedures of the fire departments, county emergency management departments, police and sheriff's departments, and any Homeland Security concerns.

2. Prioritize the Materials

- A. What is the most valuable set of materials to be recovered in your office?
- B. What cannot be replaced? Original records that must be preserved must be identified and noted as a priority for recovery.

- C. What can be replaced or has a security copy, for example do you have security microfilm, back-up computer tapes, or back-up CDs stored in a secure off-site location?
- D. Know the types of media in the collection. Today's office has permanent records in many formats, books, papers, computer files, and CDs, or DVDs.
- 3. Awareness of Recovery Basics
 - A. Some salvage techniques are basic and use common sense techniques. In the example of wet records and books, they can be air dried by using the HVAC system to improve air temperatures and air flow.
 - B. Know your limitations and when it is best to call in disaster recovery companies.
 - C. Study and improve awareness of some basic do's and don'ts for the various types of media.
- 4. Organized Recovery Team
 - A. It is best to have an overall coordinator, someone who can communicate throughout the county government the key responsibilities of caring for the records.
 - B. Receive input from all aspects, offices, and divisions of the organization.
 - C. Organize and educate the recovery team. Each member of the committee or team should know or have a specific duty.
- 5. Organized Record-Keeper of the Disaster
 - A. Planned tasks in the event of a disaster, who is responsible for
 - B. Photographs or video are the best and easiest way of taking notes of the event for the record and for insurance.
- 6. Resource Check Lists (very important tools of the plan)
 - A. Create a phone list or "tree" of all phone numbers of key employees, leaders of disaster team.
 - B. Emergency numbers
 - a. police, fire, etc.
 - b. people willing to volunteer to assist
 - c. insurance representatives
 - d. disaster recovery companies
 - e. state officials
 - f. legal council in event of legal issues and responsibility
 - C. Supplies that might be needed
 - D. Floor plans or locations of
 - a. vital records
 - b. utility connections
 - c. fire extinguishers
 - d. keys
- 7. Plan must be simple and itemized for easy use in an emergency.
- 8. Plan must be easy to organize and revise.
- 9. Plan must be updated regularly and kept pertinent to new situations within the organization.
- 10. The Disaster Committee members or at least the coordinator should keep an updated copy of the plan at home or somewhere other than the office.

Bibliography of Samples of Disaster Planning Sources

These are just a few examples of resources on disaster planning and preparedness. This is a constantly changing field and new sources can only add to the updated plan.

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SOLINET Technical Leaflets,

"Contents of a Disaster Plan," "Check List of Disaster Recovery Resources," "Check List for Disaster Prevention & Protection"

SOLINET (Southeastern Library Network Inc.) Suite 200; 1438 West Peachtree St. N.W.; Atlanta, GA 30309-2955 1-800-999-8558.

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