

Massachusetts Statewide Records Retention Schedule 02-11

April 2014 Supplement



www.sec.state.ma.us/arc/arcrmu/rmuidx.htm

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About This Supplement

This supplement contains additions, modifications, and revisions as requested by several state agencies as approved by the Records Conservation Board. The Board would like to thank the Archivist of the Commonwealth and his staff for preparing the information contained below.

All state agencies covered by this schedule are strongly encouraged to review the sections that apply to its records and report requests for modification to:

The Records Conservation Board
220 Morrissey Boulevard
Boston MA 02125
(v) (617) 727-2816
(f) (617) 727-8249
rcb@sec.state.ma.us

To access the forms needed for submission to the Records Conservation Board please visit the website for the Records Management Unit at:

<http://www.sec.state.ma.us/arc/arcrmu/rmuidx.htm>
State Records Management Unit Web Site

The modifications in this Supplement supersede the portions of the amended records retention schedules contained in the Statewide Records Retention Schedule (02-11) which in all other respects remains current.

Any references in this book to the Massachusetts General Laws or the Code of Massachusetts Regulations refer to the current edition of each respective law or regulation. Please note that the laws and regulations in this book are not official copies of such law or regulation. Users should consult the official edition of each respective law or regulation for more information. A copy of the Code of Massachusetts Regulations may be obtained from the State Bookstore, located in the Massachusetts State House.

Revisions to the Current Edition

The following changes have been incorporated into the Statewide Records Retention Schedule by vote of the Records Conservation Board on February 5, 2014.

Additions

B4-7 Student Records

B11-22 Candidate Public Financing Request Records. Formerly G1-2.

B11-23 Corporation Campaign Contributor Financial Filings. Formerly G1-10.

H5-9 K-12 State Student Assessment Materials

H5-10 K-12 State Student Assessment Materials for Special Populations of Students

M2-1 Labor and Industries Statistics and Reports

Modifications

B11-8 Political Action Committee (PAC) Financial Filings

G10-4 Environmental Review and Compliance Records

Deletions

G1-2 Candidate Public Financing Request Records. Moved to B11-22.

G1-5 Campaign Finance Disclosure Records

G1-6 Campaign Finance Monitoring and Investigation Records

G1-7 General Court Candidate Financial Filings

G1-8 Statewide Office Candidate Financial Filings

G1-9 Referendum Committee Financial Filings

G1-10 Corporation Campaign Contributor Financial Filings. Moved to B11-23.

G2-2 Political Committee Statements of Organization Filings

G2-3 Ward and Town Political Party Committee Financial Filings

G2-7 Political Action Committee Financial Filings

Important Points

- The Massachusetts Statewide Records Retention Schedule is issued under Massachusetts law. G. L. c. 4, § 7(26), c. 30 § 42, and c. 66, §§ 1, 8 and 9
- This schedule applies to all records of state government including those of executive departments, constitutional offices, authorities, independent agencies (collectively “Agencies”), and state records being managed by contracted service providers
- This schedule applies to all records, regardless of location and format
- This schedule does not apply to municipal government records
- This schedule supersedes all other special, general, or department-wide records disposition schedules
- Approval by the Records Conservation Board is required before any records may be destroyed or transferred using this schedule except for records whose designated retention period is “Until Administrative Use Ceases,” or after “Verification”
- Duplicate copies of records need only be retained until the administrative use ceases unless otherwise required by statute or regulation
- If your agency records are not covered by this schedule or if your retention requirements are different from those listed, please contact the Records Conservation Board at:

220 Morrissey Boulevard
Boston, MA 02125
(v) (617) 727-2816
(f) (617) 288-8429
rcb@sec.state.ma.us

- Completed request forms may be sent via regular mail, fax or email to the above address
- Retention periods reflect minimum time periods. Agencies may retain records for longer periods of time as needed or required
- Do not destroy any records while they are subject to any litigation hold or pending, actual, or probable audit or investigation
- Agencies may request review of potentially historical materials by the State Archives regardless of stated retention periods

Special Notes

Electronic records and multi-media

This schedule applies to all types of records, regardless of media or format, including those found in electronic form, audiotape, and hardcopy.

Older records

Massachusetts law requires permanent retention of any records dating before 1870. G. L. c. 66, § 8. Records more than fifty years old may require retention periods that differ from those listed in this schedule. Please contact the Records Management Unit of the State Archives to arrange for a review of any records that are fifty years old or older.

Records in inactive storage areas

Agencies may contact the Records Management Unit of the State Archives for guidance with identification and inventory of governmental records.

Such unidentified records are often at risk of water damage, destruction, theft, or confidentiality or other security breach. Massachusetts law requires a custodian of records to maintain the integrity of records in its custody. G. L. c. 66, § 15.

Massachusetts Management Accounting and Reporting System (MMARS)

For all Agencies conducting business on the state accounting system known as MMARS, fiscal and accounting transactions are recorded and retained for the Agencies by the Office of the Comptroller.

The documentation supporting transactions, such as invoices, contracts, procurement documents, correspondence, must be maintained by Agencies for the requisite retention period required for the type of transaction involved.

The Records Conservation Board

Chapter 30, § 42. Records conservation board; composition; powers and duties; sale or destruction of records; records defined; inquiries from departments or agencies

The state librarian, the attorney general, the state comptroller, the commissioner of administration, the supervisor of public records and the chief of the archives division in the department of the state secretary, hereinafter called the archivist, or persons designated by them, shall act as a board, to be known as the records conservation board, of which board the archivist shall be secretary.

The board, after consultation with the executive head of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any authority established by the general court to serve a public purpose or a person designated by such executive head may, either by its own motion or on the request of said executive head, sell or destroy, from time to time, all records in accordance with disposal schedules which shall have been submitted to said board and either approved or modified by said board or the board may authorize such sale or destruction. Until such action shall have been taken, all such records shall remain the property, as the case may be, of the commonwealth or an authority including an authority established by the general court to serve a public purpose.

The board shall have power to require all departments of the commonwealth to report to it what series of records they hold, to set standards for the management and preservation of such records, and to establish schedules for the destruction, in whole, or in part, and transfer to the archives or another appropriate division within the office of the state secretary, in whole, or in part, of records no longer needed for current business.

Nothing in this section shall affect judicial or legislative records, lessen the existing powers of the executive office for administration and finance, or compel any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any authority established by the general court to serve a public purpose to surrender records it deems of current use.

Records may be kept in the archives or in another appropriate division within the office of the state secretary, under reasonable restrictions as to access, for a reasonable length of time; provided, that such restrictions are in writing and accepted by the records conservation board at a meeting at which the attorney general, or his designee, is present. At least thirty days before selling or destroying any records so kept in the archives or another appropriate division within the office of the state secretary, the board may publish in a daily newspaper in Boston a notice of its intention to do so, containing a brief description of the articles to be sold or destroyed, and it shall give such other and further notice as it deems advisable to historical societies or persons interested in the matter.

The board may, before selling or destroying any particular records, books, vouchers or documents, give a public hearing to all persons interested, and ten days' notice of such hearing shall be given in a daily newspaper published in Boston.

The proceeds, if any, of a sale by the board of any records shall be paid to the state treasurer or to the treasurer of an authority, including an authority established by the general court to serve a public purpose, whose records were the subject of the sale.

As used in this section, the words "records" shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any authority established by the general court to serve a public purpose.

Any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any authority established by the general court to serve a public purpose in doubt as to whether certain materials are records shall make inquiry thereof in writing to the records conservation board which shall determine the question.

Glossary of Special Terms

Administration/Administrative

These terms refer to routine work materials and routine fiscal records and do not include policy, planning, and decision-making records.

Administrative Use

“Administrative use” refers to a record’s usefulness as determined by agency staff. This designation includes copies of records maintained for the convenience of agency staff. Please see the record series “A12 Correspondence” in this Schedule for more information on procedures for retention of convenience copies and other records with a short retention period.

Records from series that require retention “Until Administrative Use Ceases” may be discarded after such use. It is not necessary to submit a FORM RCB-2U APPLICATION FOR DESTRUCTION PERMISSION for destruction of administrative use records, unless otherwise noted in the schedule.

Records custodians are advised to review “administrative use” records to determine whether the records possess any enduring historical value to the Commonwealth. In such cases, records custodians are advised to preserve the records and contact the Records Management Unit of the State Archives for assistance to determine the appropriate retention period.

Background Support Documentation

Background support documentation adds to an understanding of the thought process or intent of the participants in the subject covered, or an understanding of the subject itself.

Contract

A contract is a legally binding agreement between two or more parties.

Electronic Record-Keeping System

An electronic record-keeping system is any information system where records are maintained primarily in electronic form.

Executive

The term Executive includes elected officials, commissioners, agency heads and their deputies, department heads, and directors, and the persons with delegated authority to act on their behalf.

Grant

A grant is a contract providing financial assistance to qualified applicants to further a specific public purpose.

Includes

As used in a record series description, this term means “may include” or “includes but is not limited to.” It is meant to be followed by typical items that may be found in a record series for the purposes of identification and description.

Permanent

Permanent records are to be retained indefinitely, and maintained in an accessible form either by the originating Agency or by the State Archives. Archival review may be considered, at the discretion of the State Archivist.

Program

A program is an ongoing or repeating functional activity carried out as part of agency responsibilities.

Project

A project is a one-time work activity, with defined objectives and timelines.

Public Records Custodian

A Public Records Custodian is the government employee who in the normal course of his duties has access to or control over records. G. L. c. 66 § 6.

Record

A record is information that has been recorded or captured, regardless of physical form or characteristics.

Record Series

A records series is a set of records relating to a specific business process or function. Occasionally a record series is defined by the form of the records such as “maps” or “photographs.”

Retention Period

The Retention Period is the length of time required for the storage of records. This period is based upon, among other factors, statutory or regulatory requirements, agency custom, and retention schedules. Records must be maintained in an accessible format for the duration of the retention period.

Review by the State Archives

Review by the State Archives consists of a review and appraisal of records by Archives staff to determine any archival or permanent value. Archival review is performed at the discretion of the State Archivist, and may consist of either a full or a sample review of the records.

Routine Records

Routine records are records used during the normal course of business. Such records often do not have enduring or lasting value.

State Archives

The Massachusetts State Archives maintains permanently valuable governmental records for the benefit of Agencies, the Commonwealth, and its citizenry. Records transferred to the State Archives are no longer in the physical or legal custody or control of the originating agency.

State Records Center

The State Records Center provides temporary storage of records on the behalf of Agencies. Such records remain in the legal custody of the originating Agency.

Instructions for Use of Forms

Please **READ CAREFULLY** the following substantive changes

FORM RCB-2U REPLACES FORMS RCB-2 AND RCB-2E

- “Records” are defined by G. L. c. 30, § 42 as “all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics.” Because the law does not distinguish between paper and electronic records, only one Destruction Permission form is necessary.
- Use FORM RCB-2U to request permission from the Records Conservation Board (RCB) to destroy the paper or electronic copy of a record that is maintained to satisfy the retention requirements of this schedule (“last copy”).

For example: If you scan a paper copy of written correspondence into an electronic format, you need only keep either the paper or electronic copy for the required retention period and the other may be destroyed. After the retention period has expired, you need only request destruction permission for the copy you retained for the retention period.

- Only records that have a retention period in “Years” (e.g., 3 Years, 6 Years, 20 Years, 35 Years, etc.) should be listed on FORM RCB-2U.
- DO NOT use FORM RCB-2U (or any other Form) to request permission to destroy records with a retention period of “Retain until administrative use ceases.” Administrative use records DO NOT require permission to destroy.

FORM RCB-1E HAS BEEN ELIMINATED

- Agencies have an obligation to maintain all records in a safe, secure, and searchable manner, including electronic records.
- Agencies should use best practices in meeting these obligations. Just as an Agency is required to keep paper records to ensure safety from flood, fire, or theft, and to maintain their accessibility, so too must an Agency decide where to keep its electronic records. Agencies are strongly encouraged to consult with their Legal and Information Technology Departments to achieve these goals.
- The RCB offers its guidance on electronic records maintenance by directing Agencies to the *Electronic Records Management Guidelines* in the Appendix at the end of this schedule.

Please NOTE the following procedures:

USE ONLY THE CURRENT FORMS

- Agencies should begin using the new FORM RCB-2U immediately.
- Beginning July 1, 2014, only FORM RCB-2U will be accepted for the destruction of records.
- FORM RCB-2 will no longer be accepted after July 1, 2014.
- Effective immediately, no FORM RCB-1E or RCB-2E will be accepted for review. This schedule will be adjusted to make such obsolete forms “Administrative Use” records of the RCB which may be destroyed upon receipt.
- FORMS RCB-2M (for the destruction of paper records after microfilming), RCB-2T (for the transfer of records to the State Records Center or the State Archives), and RCB-4 (Records Liaison Officer Designation) remain in use. However, please check this schedule periodically for updates or revisions.

USE OF THE NEW RCB-2U (UNIVERSAL)

- This form has been made user-friendly. The information that is requested is more specific and requests for unnecessary or redundant information have been eliminated.
- The “Certification” has changed. In some cases, the person filling out the form may not be the person attesting to the destruction eligibility of the records listed. It is critical that the certification be signed by someone in the Agency familiar with any consequences that may result from the untimely destruction of records.

CHECK THE INFORMATION BEFORE YOU SUBMIT

- Make sure that the description of the records matches the corresponding section number and retention period.
- Check your math. Make sure all records in the listed date range have reached the minimum retention period as delineated in this schedule.
- If you any have questions concerning this form, please contact the RCB at (617) 727-2816.

The Commonwealth of Massachusetts

William Francis Galvin

Secretary of the Commonwealth

Records Conservation Board – Massachusetts Archives at Columbia Point

220 Morrissey Blvd., Boston, Massachusetts 02125-3384

Email: rcb@sec.state.ma.us

Website: www.sec.state.ma.us/arc/arcrmu/rmuidx.htm

Phone: 617-727-2816 Fax: 617-288-8429

FORM RCB-2U – UNIVERSAL APPLICATION FOR DESTRUCTION PERMISSION (PAPER AND ELECTRONIC)

IMPORTANT! Your Agency **must** submit this form to request permission to destroy the **last copy** of a record as authorized by its applicable retention schedule. This form replaces forms RCB-2 and RCB-2E. You do not need to submit a form to destroy records designated ADMINISTRATIVE USE.

1. Destruction Permission for: _____
Agency, Authority, Executive Office

Department, Division, Unit, etc.

2. Total approximate volume of records to be destroyed (boxes, file drawers, cubic feet, megabytes, gigabytes, number of electronic records, etc.):

3. Are these records stored at the State Records Center? ☐ YES ☐ NO

4. Name and phone number of person whom the RCB may contact to discuss the contents of this application:

Print or Type Name

Phone

5. I certify that the records listed below are eligible for destruction under the applicable retention schedule as cited below, and are not the subject of any litigation hold or pending or actual audit or investigation.

Signature of Authorized Agent

Date

Print or Type Name

Phone

DO NOT USE THIS SPACE (RCB USE ONLY)

APPROVALS:

Pursuant to the provisions of M.G.L. c. 30, § 42, as most recently amended, the Records Conservation Board hereby grants permission to destroy the records listed in this application under the Disposal Schedule(s) above.

RECORDS CONSERVATION BOARD

Chairman

Secretary

_____/_____/_____
Date of approval

Applicable Schedule	Section	Description of Record	Retention Period	Inclusive Dates (MM/YY - MM/YY)
Example: 02-11	D2-4b	Fiscal Audit Records	6 years	01/00-12/04

Please list additional records on a separate sheet(s).

B Legal and Regulatory

B4 Regulatory and Compliance

7 Student Records

Documents information contained in a student record from a closed private occupational school.

Retention Period:

- (a) Attendance records: Retain 7 years.
- (b) Documents referencing leaves of absence: Retain 7 years.
- (c) Transcripts: Retain 60 years.
- (d) Progress reports and student complaints: Retain 7 years.
- (e) Externship records: Retain 7 years.
- (f) Certificates of completion: Retain 60 years.
- (g) Documents reflecting payments made by or on behalf of students: Retain 60 years.
- (h) Loan documents including disclosure forms and disbursement schedules: Retain 7 years after graduation or separation from the school.
- (i) Enrollment agreements: Retain 7 years from student's graduation or separation from the school.

B11 Office of Campaign and Political Finance

8 Political Action Committee (PAC) Financial Filings

Documents filings of Political Action Committees of their financial status. Includes campaign finance reports and related correspondence.

Retention Period:

Retain 6 years.

G. L. c. 55 § 18

22 Candidate Public Financing Request Records

Documents candidates' requests for limited public financing. Includes request for limited public financing, statement of qualifying contributions and qualifying contributions list and summary.

Retention Period:

Retain 6 years.

Notes:

- 1. Most information duplicated in candidates financial filings.
- 2. Documents filed with Director of Campaign Finance.

G. L. c. 55C

23 Corporation Campaign Contributor Financial Filings

Documents filings of corporations that contribute funds to influence the vote on questions submitted to the people. Includes report of disbursements and outstanding liabilities.

Retention Period:

Retain 6 years.

Notes:

- 1. Information duplicated in referendum committee filings, unless independent expenditure.
- 2. Documents filed with Director of Campaign Finance.

G. L. c. 55 § 22

G Secretary of State

G10 Historic Property

4 Environmental Review and Compliance Records

Documents Massachusetts Historical Commission's review of public and private projects with state or federal funding, and their effects on historic and archaeological properties.

Retention Period:

Retain 3 years in office, then 42 years in the State Records Center.

Notes:

National Historic Preservation Act of 1966

G. L. c. 9 §§ 26-27C

H Education

H5 Testing and Grades

9 K-12 State Student Assessment Materials

Consists of test booklets, scorable materials, and non-scorable materials developed by the Department of Elementary and Secondary Education, pursuant to G.L. Ch. 69 § 1I, to assess the academic performance and progress and English proficiency of students from Kindergarten to Grade 12, whose education is publicly funded by the Commonwealth of Massachusetts. The Department sends student assessment materials to schools where educators or qualified faculty administer tests to students. Those tests and test materials are then returned to the Department for scoring, review and analysis.

Retention Period:

- (a) Unused master copy: Permanent.
- (b) Used answer booklets, used integrated test/answer booklets: Retain 3 years after reporting of results.
- (c) Typed electronic and printed responses: Retain 3 years after reporting of results.
- (d) Score or Performance appeals of Statewide Student Assessments: Retain 5 years after appeal concluded.

10 K-12 State Student Assessment Materials for Special populations of students.

Consists of accommodated test editions and other materials created for the administration and scoring of K-12 statewide tests taken by students with disabilities or English language learners. Special Test Editions and Accommodation Materials may include, but are not limited to: graphic organizers, individualized reference sheets, templates, checklists, Kurzweil Cds, ASL videos/DVDs, Braille tests and Administrator copies.

Retention Period:

- (a) Special Test Editions: Retain 5 years.
- (b) Score, Feedback, Tracking Forms and Reports: Retain 3 years after reporting of results.

M Labor and Workforce

M2 Labor and Employment

1 Labor and Industries Statistics and Reports

Documents labor and industries in the Commonwealth through reports such as labor distribution reports. Department of Unemployment Assistance Reports contain employment and wage information by industry for the state and various sub-state geographies down to the city and town level.

Retention Period:

(a) Department of Unemployment Assistance Reports: 20 years.

(b) Other Official copies: Permanent.

(b) All other records: Retain 3 years.

G. L. 151A §46