

Colorado Public Trustee Records Retention Schedule

PREFACE

The *Colorado Public Trustee Records Retention Schedule* is intended to provide a comprehensive records Retention schedule for most records that are typically kept by any Public Trustee. Generally these are records documenting and ensuring accountability for the receipt and expenditure of public funds. The schedule may list records that an individual Public Trustee does not currently have but that it may have in the future.

Each Public Trustee may request approval to follow the *Colorado Public Trustee Records Retention Schedule* from the Colorado State Archivist. This is optional and is dependent upon the discretion of each Public Trustee. If adopted, the Public Trustee should add notations regarding any local provisions affecting the Retention periods of its records. To request approval to follow the *Colorado Public Trustee Records Retention Schedule*, complete the [approval request form](#) or contact the State Archives.

Subsequent to approval, the records Retention schedule will apply to the record copy, regardless of how it is stored (electronic, microfilm, digital image, paper, audio or video recording, etc.). If the record copy of a permanent record is stored in electronic format, carefully determine that the storage system is nonproprietary and whether there is a capability to migrate these records to the next generation of technology. Use of third party Retention, e.g. financial institutions is acceptable, if full access is available.

IMPORTANT

This document does not provide legal authority or authorization for destruction of records by any Public Trustee until it is approved for use for that Public Trustee by the Colorado State Archives. No record should be destroyed if it is pertinent to any current, pending or anticipated audit, investigation or legal proceeding. The Colorado State Archivist does not hold any authority over any Public Trustee which does not complete the approval process through the State Archivist.

Terminology

Terminology that may be unfamiliar to some users is explained in *Appendix B – Glossary*.

Record Titles and Description

Because the records titles used may not reflect the exact records titles used by everyone, the Retention Schedule provides a short paragraph that describes the use and typical contents of each record.

Retention Periods

Retention periods are based on legal requirements and/or on common usage and industry standards to meet typical administrative, operational or reference requirements. The Retention time period indicates the minimum length of time that the record copy should be retained before disposal can take place. Typically, some kind of approval process is in place to authorize the destruction of records in accordance with the Records Retention Schedule.

Evaluate records for continuing legal, fiscal, administrative or historical value and determine whether they are the subject of any legal holds before proceeding with the authorized destruction. It is permissible to

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either destroy obsolete records at the end of the Retention period or to wait until the end of the year in which they become eligible for destruction. The Public Trustee may dispose of duplicates in accordance with the following guidelines:

- **Duplicate copies created for administrative purposes**
Retain for 1 year and then destroy.
- **Duplicate copies created for convenience or reference**
Retain until no longer needed for reference or 1 year, whichever is first, and then destroy.
- **Duplicate copies should not be retained longer than the record copy.**
§6-17-104, C.R.S., provides a default Retention period of three years for records that State law requires to be retained when no Retention period is otherwise specified.

Guidelines for identification and handling of some non-records are discussed in *Appendix A – Non-Records*.

Trigger Dates

Trigger dates are included in Retention periods whenever possible. A trigger date is the date of an event, action or cut-off point that begins the countdown to the end of the Retention period. An example of a trigger date in a Retention period is: "6 years *after bond expires*". When a trigger date is not specified, the countdown to the end of the Retention period begins on the date the file is closed, the date the file no longer has any administrative or reference value, or the date of the newest document in the file.

Duplicate Record Retention

In the event that the same record is listed in two or more approved record Retention schedules, the agencies involved may, by written agreement, choose to retain the record pursuant only to the schedule with the longest Retention period.

It is permissible to either destroy obsolete records at the end of the Retention period or to wait until the end of the year in which they become eligible for destruction.

SCHEDULE NO. 4

4.1 ADMINISTRATIVE RECORDS

Budget Work Records

Departmental budget requests or proposals, reports, budget instructions, worksheets, Financial projections and similar records used in the budget preparation and decision making process.

Retention: 2 years

Reference: §38-37-104(6)

Certificate of Appointment / Performance Bonds

Fidelity, surety, blanket or other bonds intended to guarantee honest and faithful performance of officials.

Retention: 6 years after bond expires *(Should be on file with County Clerk)*

Reference: §31-4-219 and §31-4-401

Contracts

Agreements and contracts of various kinds that document some form of agreement that is enforceable by law, including but not limited to intergovernmental agreements, memoranda of understanding, franchise agreements, lease agreements, professional services agreements, etc.

Retention: 6 years after expiration, fulfillment of all terms of agreement or contract or resolution of any disputes, whichever is later, provided that audit has been completed and agreement or contract no longer has any binding effect; except prior to destruction, evaluate for continuing legal, administrative or historical value. May be otherwise covered by County Clerk or other office.

Reference: Accounting best practices

Correspondence and General Documentation - Administrative, Policy, Legal, Fiscal, Historical, or Research of Enduring Value

Documentation or correspondence, including e-mail messages, with lasting long-term administrative, policy, legal, fiscal, historical or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events; and other similar records and documentation.

Retention: Permanent

Reference: Accounting best practices

Correspondence and General Documentation - Routine Correspondence and General Documentation

Routine operating documentation or correspondence with limited administrative, legal, fiscal, historical, informational or statistical value. Includes routine e-mail messages, letters or memoranda, reading or chronological files that contain duplicates of memos or letters also filed elsewhere, routine requests for information, transmittal documents, etc.

Retention: 2 years

Reference: Accounting best practices

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Inventories

Listings of expendable and nonexpendable property and assets, including buildings, real estate, vehicles, furniture, equipment, supplies, merchandise for sale at municipally operated concessions or gift shops and other assets; may include description, cost, date purchased, location, name of vendor and depreciation detail.

Retention: Until superseded

Reference: Accounting best practices

Job Procedures

POLICIES AND PROCEDURES DOCUMENTATION

Written directives, instructions, rules and guidelines documenting policies and procedures, including departmental or organization-wide directives or orders, policy or operations manuals, instruction manuals, handbooks and memoranda setting out responsibilities and guidelines or outlining policies and procedures.

A. Clerical or Other Routine Manuals

Retention: 2 years after superseded or obsolete

B. Policies and Procedures and Supporting Documentation

Documentation, including written materials such as personnel policy manuals and standard operating procedures, that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances; includes supporting documentation relating to the development, formulation, establishment, rationale, approval and implementation of such policies and procedures.

Retention: Permanent

Reference: Accounting best practices

Legal Opinions

Communications and legal advisory opinions written by legal counsel to give advice regarding the legality or legal consequences of various courses of action and to present the basis and rationale for legal recommendations.

A. Enduring Long-Term Value

Legal counsel communications that have long-term administrative, policy, legal, fiscal, historical, informational, reference or research value.

Retention: Permanent

B. Routine Value

Routine legal counsel communications that contain no long-term significant administrative policy, legal, fiscal, historical, informational, reference or research value.

Retention: 2 years, then evaluate prior to destruction to determine that there is no further value

Reference: Accounting best practices

Master Copies (Forms, Letters)

Blank forms are not considered to be records and should be separated from the records. However, a master forms file may be maintained to track the evolution of the form and the instructions regarding use of the form.

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Retention: Until superseded, except retain one copy permanently if a master forms file is maintained

Reference: Accounting best practices

Personnel Records

EMPLOYEE RECORDS – ACTIVE AND TERMINATED

Documentation of an individual employee's work history maintained because of the employer / employee relationship, such as records pertaining to age, current or last-known address, telephone number and social security number; notices of appointment; tuition reimbursement; classification questionnaires; commendations; disciplinary and personnel actions and supporting documentation, including hiring, evaluation, demotion, promotion, layoff, selection for training or apprenticeships, transfer, resignation and termination or involuntary termination; delegations of authority and work assignments; emergency notification forms; oaths of office; job-related training documentation; individual safety training records, performance evaluations; salary documentation; beneficiary designations; selection of benefit plans; records relating to COBRA continuation of health insurance coverage; etc. [General Reference: CRS 24-72-202(4.5)]. (Note: Medical records are to be retained separately in accordance with federal law.)

Retention: 10 years after retirement or separation, provided that records that are updated periodically may be destroyed when superseded and that medical records relating to hazardous material exposure are retained 30 years after separation.

(DEPARTMENTAL EMPLOYEE RECORDS: Consult with custodian of record copy of employee records regarding proper transfer or disposal of departmental employee records upon termination of employment.)

Reference: Accounting best practices

EMPLOYEE RECORDS – TEMPORARY AND SEASONAL

Records and documentation relating to employment of temporary and seasonal employees, except for payroll and fiscal information.

Retention: 3 years after termination, except payroll and fiscal records

(DEPARTMENTAL TEMPORARY OR SEASONAL EMPLOYEE RECORDS: Consult with custodian of record copy of employee records regarding proper transfer or disposal of departmental employee records upon termination of employment.)

Reference: Accounting best practices

Program Planning Worksheets

WORKSHEETS, DRAFTS AND OTHER PRELIMINARY WORKING MATERIAL

Documents such as rough notes, calculations or drafts assembled or created and used to prepare or analyze other documents; records of a preliminary or working nature which do not represent significant steps in the preparation of the final version of documents; draft or working material relating to a matter that is never completed; includes informal notes, preliminary drafts of letters, memoranda, reports, computer or printer output used to verify information entered into a computer and not considered to be a final copy, etc.

Retention: Until no longer needed

Reference: Accounting best practices

4.2 FINANCIAL RECORDS

Accounting Records

Records documenting outgoing payments.

Accounts Payable Records in General

- A. A/P records including but not limited to automatic clearinghouse (ACH) forms, A/P balance sheets, copies of bills paid, checks issued (including check registers), invoices and statements, receiving reports, vendor files, expense and reimbursement request documentation, charge slips, credit card statements, and reports to the governing body listing bills to be paid.

Retention: 7 years

- B. Credit Card Records

Records of credit cards issued for Public Trustee use.

Retention: 2 years after cancellation

- C. Forms 1099 and W-9

Forms for tracking taxpayer information for vendors when the charges for services exceed \$600 for the year.

Retention: 4 years

Reference: §38-37-113, Accounting best practices

Bank Records

Records documenting the current status and transaction activity of funds held at banks.

- A. Bank Records – Routine

Routine banking records, including but not limited to duplicate copies of checks, check stubs, voided checks, deposit slips, trial balances, check registers, CDs, money market certificates, etc.

Retention: 3 years

- B. Bank Statements, Pass Books and Reconciliations

Monthly statements pass books or reconciliations showing funds on deposit.

Retention: 7 years

Reference: §38-37-113, Accounting best practices

Expenditures Requests, Vouchers, and Material, Supply, and Purchase Requisitions

Purchasing Records in General

Purchasing control forms, such as purchase orders, purchase requisitions, field purchase orders, vouchers, signature authorizations, etc.; and competitive bid specifications and solicitations, such as requests for proposals or quotations; and similar records.

Retention: 7 years

Reference: Accounting best practices

Operating Summaries

Annual Reports, Releases of Deeds of Trust, Expenditures, and Commissioners' Reports. Summary annual reports on primary activities and accomplishments for the previous year; may include statistics, narrative reports, graphs and diagrams.

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Retention: Permanent
Reference: §38-37-104(3)

Petty Cash Records

Records of petty cash fund account and requests for petty cash for various purposes.

Retention: 2 years
Reference: Accounting best practices

4.3 FORECLOSURE RECORDS

Continuance Books

List of properties whose sale date is continued further into the future.

Retention: 1 year + current
Reference: No Statutory Reference

Foreclosure Ledgers

Retention: 7 years after recovery of money owed or when Public Trustee has no further interest in the proceeding

Reference: §38-38-107 and §38-38-110

Foreclosure Packets or Files

A packet or file containing all the documentation surrounding a foreclosure sale, including mailing lists

Retention: 7 years after recovery of money owed or when Public Trustee has no further interest in the proceeding

Reference: §38-38-102 and §38-38-110

Record Books

A record of all foreclosures filed with the Public Trustee showing all the information surrounding each foreclosure. Also includes printed or electronic copies of Notices of Election and Demand, Mailing Lists, and published Combined Notices

Retention: 7 years provided that all required information is recorded with the Clerk and Recorder, otherwise permanent.

NOTE - (If the Public Trustee records the Affidavit of Publication, provided that it includes a copy of the published Combined Notice, as an additional attachment to the Certificate of Purchase along with the mailings lists, as required for all files commenced after 1/1/2008, all the required information would be recorded in the Clerk's records from that point forward.)

Reference: §38-38-102(2) and §38-38-110(3)

4.4 RELEASE OF DEED OF TRUST RECORDS

Indemnifications

Resolutions of Indemnification and Affidavits related to Releases submitted with no evidence of debt.

Retention: 7 years, or until such time as any claim made against the public trustee has been finally resolved.

SUGGESTION: The Resolution or Affidavit could be recorded in the County Clerk's records as additional pages to the Release of Deed of Trust

Reference: §38-39-107

Lost Instrument Bonds

Lost Instrument Bonds issued by an insurance company indemnifying the Public Trustee for executing a Release submitted with no evidence of debt.

Retention: 7 years, or until such time as any claim made against the public trustee has been finally resolved

SUGGESTION: The bond could be recorded in the County Clerk's records as additional pages to the Release of Deed of Trust

Reference: §38-39-107

APPENDIX A

NON-RECORDS

The following types of administrative materials have no public record Retention value and may be disposed of as soon as they have served their purpose at the discretion of the custodian:

1. **Catalogs, trade journals and other printed materials** received from other offices, commercial firms or private institutions, which require no action and are not needed for documentary purposes.
2. **Informational or extra copies** of correspondence, completed forms, bulletins, newsletters, etc., prepared for reference and information distribution.
3. **Letters of transmittal** that do not add any information to the transmitted materials.
4. **Miscellaneous memoranda or notices** that do not relate to the functional responsibility of the Public Trustee, such as notices of community affairs, employee meetings, holidays, etc.
5. **Preliminary drafts** of letters, memoranda, reports, worksheets and informal notes that do not represent significant basic steps in the preparation of record documents.
6. **Routing slips, sheets, post-it notes or memos** used to direct the distribution of documents.
7. **Outdated or superseded stocks of publications** kept for supply and hand-out purposes.
8. **Telephone messages** that convey non-policy informational messages.
9. **Library or museum material** acquired for reference or exhibition purposes.
10. **Identical duplicate copies** of records.
11. **Notes, tapes or recordings** that have been transcribed.
12. **Temporary or transitory material** with little or no bearing on decision-making.
13. **Training material** from conferences, workshops or other types of external training opportunities.
14. **Unused blank forms** that are obsolete.

APPENDIX B

GLOSSARY

Closed Record – A file unit or records series containing documents on which action has been completed and to which more documents are not likely to be added.

CRS – Colorado Revised Statutes.

Disposition – Actions taken regarding records no longer needed in current office space, including destruction pursuant to an approved records Retention schedule or permanent Retention of records in paper or other formats.

Duplicate Copies – Non-record copies of documents kept solely for ease of access and reference.

Format – The shape, size, style and general makeup of a particular record.

Permanent Records – Records appraised as having sufficient historical or other value to warrant continued preservation by the Public Trustee beyond the time they are needed for administrative, legal or fiscal purposes.

Record Copy – The official and "best" copy of a document retained by the official record custodian.

Retention Period – The minimum length of time that a record must be kept.

Retention Schedule – A document approved by the Colorado State Archives providing authority for the minimum Retention periods and final disposition of Public Trustee records.

Series – Physical or intellectual groupings of records; file units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt or use.

APPENDIX C

METHODS OF RECORD DESTRUCTION

There are four methods that are generally acceptable for destroying records. However, it is important to note that, when dealing with confidential information such as law enforcement and personnel information, these types of records must be destroyed in a secure manner so as to prevent them from being reconstructed by unauthorized parties.

1. **Shred:** This method is most suited for the security destruction of confidential records such as the ones mentioned above.
2. **Burn:** This method is most likely confined to the rural parts of the state where unregulated burning is still allowed.
3. **Landfill:** This method requires that the records be buried in a trench 3 to 4 feet below the surface of the landfill and immediately covered over to prevent the wind from blowing records about. It is recommended that, when possible, once the records are placed in the trench, they be sprayed with water to facilitate a more rapid decomposition.
4. **Recycle:** This method is desirable for non-confidential records where possible. It promotes good conservation and reuse of paper resources.

Remember to check whether the records you want to destroy are the subject of a legal hold order!

Public Trustees should keep a record of the records destroyed, regardless of whether destruction is coordinated at a centralized or decentralized level, to be able to show that destruction took place in the normal course of business. A log or form used to keep track of records destruction should include the following information at a minimum:

1. Date of destruction.
2. Destruction method.
3. Volume of records destroyed, usually in estimated cubic feet.
4. Records descriptions, such as the types and date ranges of the records destroyed [for instance: Foreclosure records (2005) or Release records (1979—1980)] or a listing of the specific file folder titles, depending on the level of tracking the Public Trustee wants to do.
5. Who authorized, supervised and/or accomplished the records destruction.
6. Retention Schedule reference numbers.

APPENDIX D

FREQUENTLY ASKED QUESTIONS

Q: What if we want to keep something longer than the manual specifies?

A: You may, but you place your community at risk of additional litigation costs should the Public Trustee be sued in regard to a matter related to the records that are retained longer than legally needed. Once you become aware of possible litigation, it is too late to get rid of records that you should have destroyed previously since the rule is “if you still have them, they are discoverable.”

Q: Do we need a local exception to keep something longer than the manual specifies?

A: A local exception must be approved for you to retain something for a shorter time period than the manual specifies and is not required to keep something longer than the specified Retention period. However, it is important to document internally that the Public Trustee’s policy is for a longer Retention period.

Q: What is the best method of destruction?

A: Refer to Appendix E of this manual for an overview of destruction options. The destruction method depends on the content of the records. Any information with personal identifiers (name, address, social security number or driver’s license number, etc.) and any confidential or proprietary information must be rendered completely unreadable. For this reason, cross-cut shredding is preferred over strip shredding. Electronic records must be totally removed (not just “deleted”) from any electronic storage media (CDs, PC hard drives, portable devices such as a PDA or Blackberry, etc.) before disposal of the media at auction or recycling.

Q: Why can we not burn records if they are approved for destruction?

A: You may if the burning is allowed in your part of the state. It is important to note that the records need to be totally obliterated if you use this method of destruction.

Q: If we use a commercial paper recycler to shred our records, how can we be sure they actually destroyed the records so that they are no longer legible?

A: Ask the recycler for a written statement of destruction that indicates your specific records were properly destroyed.

Q: If we adopt the Retention schedule, will we continue to receive annual authorizations to destroy records from the State Archivist?

A: Annual authorizations and the attached pink records destruction certificate are sent only to those Public Trustees with individual records Retention schedules and not to those Public Trustees that have adopted the Colorado Public Trustee Records Retention Schedule. You will need to establish an internal process to initiate and track records destruction.

Q: Do I have to document the records I destroy under authority of the Retention schedule?

A: You do not need to report the records destruction to the State Archives as was the case with any individual Retention schedule your Public Trustee may have had in place in the past. However, it is recommended that you keep a record, such as a form or log, documenting records destruction dates, types

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of records destroyed, required internal authorizations, and approximate volume of records destroyed to demonstrate compliance with the records Retention schedule and destruction of the records in the normal course of business.

Q: How do I go about implementing the Retention schedule?

A: Implementation may be different for each organization. However, the key is often ongoing communication, training and a clear assignment of responsibilities and authority. To get started, think about: (1) establishing internal processes and central controls to initiate, track, authorize and document records destruction; (2) monitoring compliance if you have a decentralized Retention and destruction process; (3) establishing internal processes to inform the organization about annual revisions to the Retention schedule; and (4) establishing an effective litigation hold process.

Q: Does the Retention schedule cover electronic records?

A: The Retention schedule is media neutral and covers all records regardless of the storage format (paper, electronic, microfilm, etc.). Retention and destruction decisions must be based on the content of the records rather than the storage format.

Q: Can I destroy paper records after they are scanned?

A: The answer is "yes," with some conditions. Under the Colorado Uniform Electronic Transactions Act, electronic records are as good as paper records in court and as evidence of transactions. However, before you destroy the paper, you need to make sure that the electronic records will be readable and accessible for the entire Retention period and that they will be accepted as authentic records in lieu of the originals. To do this, you must establish and follow a migration plan and craft and follow policies and procedures demonstrating that the electronic recordkeeping system preserves the integrity of records. The Colorado Public Trustee Record Retention Schedule applies to the record copy, whether it is in paper or electronic format. You must decide the appropriate format.

Q: What about Retention of Public Trustee records that are hosted by third-party providers?

A: This is an emerging issue for records managers. In general, you should ensure that the contract between the Public Trustee and the third-party host covers at a minimum: (1) how you will get the records back if the host goes out of business or the contract is terminated; (2) how the information is secured to prevent identity theft or breaches of privacy; (3) how information eligible for destruction under the Records Retention Schedule is to be removed; and (4) who has (and does not have) access to the records.

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