10.1 Statement

The University of Texas at El Paso (“University”) recognizes the need for orderly management and, retrieval of all official State records and a documented records retention schedule in compliance with all state and federal laws and related regulations as well as UT System policies including UTS115, Records and Information Management. All official records (paper, microform, electronic, including all Electronically Stored Information (ESI), or any other media) will be retained for the retention periods stated in the institutional Records Retention Schedule as approved by the Texas State Library and Archives Commission and the Texas State Auditor’s Office in compliance with Texas Government Code, Chapter 441. After a specified period of time, official records must be disposed of in a manner that is consistent with, and systematically carried out in accordance with prescribed records and information management guidelines and procedures.

10.2 Copies

Duplicate files, convenience copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official State records. Convenience copies should be destroyed when they cease to be useful and should never be kept longer than the official record copy.

10.3 Records Retention Schedule

10.3.1 The University Records Retention Schedule provides a list of official State records for each department on the campus and prescribes the periods of authorized retention. The schedule may be revised periodically to include a newly created record series, to change retention periods, or to delete a record series no longer held. Appropriate approval procedures must be followed and completed before any revisions would become effective.

10.3.2 All records are to be kept for the minimum periods listed in the Records Retention Schedule. Notwithstanding such minimum retention periods listed on the Records Retention Schedule. Notwithstanding such minimum retention periods, an official State record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is
initiated; its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it.

10.3.3 An official State record whose retention periods expires during any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record may not be destroyed until the completion of the action and the resolution of all issues that arise from it.

10.3.4 Documents may be maintained for the prescribed minimum retention periods in microform if the microform reproduction is accomplished pursuant to a procedure that complies with Texas Government Code Section 441.188 and 13 Texas Administrative Code Sections 6.21-6.35.

10.3.5 Official records kept only in electronic format must be identified in the Retention Schedule and must comply with the administrative rules of the Texas State Library (13 Texas Administrative Code Sections 6.91-6.99).

10.3.6 Vital Records should be identified in the Retention Schedule and protected in accordance with Texas Government Code Section 441.183. A Vital State Record is any State record necessary to the resumption or continuation of State agency operations in an emergency or disaster; the recreation of the legal and financial status of the agency; or the protection and fulfillment of obligation to the people of the state.

10.3.7 Archival documents should be identified in the Retention Schedule and maintained in accordance with Texas Government Code Section 441.181. Archival or historical records are to be preserved in the archives of the University. An Archival State Record is any State record of enduring value that will be preserved on a continuing basis by the University archives until its archivist indicates that based on the reappraisal of the record it no longer merits further retention.

10.4 Destruction of State Records

10.4.1 No official State records may be destroyed without permission from the Texas State Library as outlined in Texas Government Code Section 441.187 and 13 Texas Administrative Code Section 6.7. The Texas State Library has two established methods for obtaining legal authority to destroy State records. Procedures differ for records listed on an approved Records Retention Schedule and any records not listed.

10.4.2 A State record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period for the record set in the approved institutional Records Retention Schedule. If no action as described above has been taken, records may be destroyed in accordance with the approved retention periods shown in the Records Retention Schedule. Prior to disposal of official records, all State and University records and information management regulations and policies must be followed.
10.4.3 State records not listed on the approved University Records Retention Schedule may be destroyed after receiving approval by officials at the Texas State Library. Form RMD 102, Request for Authority to Dispose of State Records, must be completed and submitted to the Office of the Vice President for Business Affairs to obtain approval for the destruction of such official State records. Unlisted records must not be destroyed until the State Library Administrator approves and returns the form to the Vice President for Business Affairs and a copy is forwarded to the requestor.

10.5 Release of Records (Texas Public Information Act)

10.5.1 Under provisions of the Texas Public Information Act (Texas Government Code, Chapter 552), the President of the University may delegate the authority as the custodian of records to Public Information Officers. The University’s Public Information Officer is the Vice President for Business Affairs, unless other individual is so designated by the President in accordance with applicable procedures.

10.5.2 Written requests for documents under the Texas Public Information Act should be directed to the Office of the Vice President for Business Affairs and handled immediately pursuant to the provisions of the Act and University policy.

10.6 Coordination with System Administration Records Management Officer

10.6.1 State law requires each State agency to appoint a Records Management Officer (RMO) to act as the agency’s representative in all issues of records and information management policy, responsibility, and statutory compliance pursuant to Texas Government Code Section 441.184.