May 15, 2013

TO: Records Officers and Authorized Agents

FROM: Government Services

SUBJECT: User's Guide to Processing Destruction Notices

I. Destruction Notices (DN) are generated by State and Local Government Agencies' Record's Officers and Authorized Agents (RO/AA) to obtain authorization from the State Archivist to destroy records in accordance with Title 29, Delaware Code § 516. A 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 a retention period involving the record.

A. The RO/AA completes the Destruction Notice (Form RM5) using the Following steps:

1. Complete the following agency information fields:
   a. Date (M/D/YYYY).
   b. Department.
   c. SLC (State Location Code for State Mail).
   d. Division.
   e. Section.
   f. Address (Physical mailing address of the agency requesting DN).
   g. Contact Person.
   h. Phone (to contact person).
   i. Fax (to contact person).

2. Complete the following Retention Schedule (RS) information:
   a. X the box that accurately reflects:
      1) Where the records will be destroyed (Originating Agency or DPA)
      2) Method of destruction
         i. Shredding (crosscut) is the approved method of destruction for records containing confidential or sensitive information (e.g. names, addresses, DOB, financial data, etc.).
         ii. Include the name of the contractor and the method of destruction (e.g. shredding, recycling, etc.) if they are not destroyed by the agency or DPA.
         iii. Recycle records that DO NOT confidential or sensitive information; or
   b. Record Group; enter the agency specific Record Group number.
   c. Schedule Series: the RS series number pertaining to the records pending destruction.
   d. Record Title and Description; Proper Name of the RS series (located on the RS in Bold CAPS).
   e. Date Span of Records: The beginning and end dates of the records pending destruction (MM/YYYY to MM/YYYY).
   f. Volume in Cubic Feet (Cu'): Total amount of Cubit feet of records to be destroyed
      1) A Paige company records box is 1 Cu'.
      2) The typical box used from delivering copy paper is roughly 1 Cu'.
      3) A banker's box for normal letters is 1.5 Cu'.
      4) A banker's box for legal sized letters is 2 Cu'
   g. Box #(s):
      1) Number of boxes of files that will be delivered to the DPA; or
      2) The actual agency identification number indicated on the box (es) currently being maintained at DPA in temporary storage that require destruction.

h. Number of Microfiche/Roll Numbers:
   1) Number of rolls of film that will be delivered to the DPA; or
   2) The actual identification number indicated on the film maintained at DPA in temporary storage that require destruction.
      i. Comments: Please indicate the total Number of Cu' for which the agency is requesting destruction authorization.

3. Complete the Approvals and Certifications section. It is incumbent upon the agency to determine which series are subject to Independent, Federal, Municipal, or State audits and the outcomes of these audits as it pertains to instructions regarding the disposition of the records concerned.
   a. Authorized Signature: Name of the RO/AA that certified the records have been audited and have met the requirements for destruction and are not pending legal actions.
   b. Date signed.

4. After completing the information listed above, the RO/AA sends the DN electronically to the agency' assigned Information Resource Specialist (Analyst), who will review the DN, resolve any issues and forward the DN to the State Analyst for destruction approval.

5. Electronic Records require a DN just as if they were hard copy records. The only difference with submitting the DN for the Electronic Records is that the RO/AA reports the volume of records to be destroyed in Megabytes (MB), Gigabytes (GB), or Terabytes (TB).

B. After receiving destruction approval from the State Archivist, the RO/AA will either:

1. Destroy (confidential or sensitive documents) or dispose of the records appropriately at the agency's location.
   a. As soon as the records are destroyed, or disposed of by the agency, the RO/AA will sign and date the "Destruction at Agency" portion of the form, certifying the records have been properly disposed.
   b. The agency is responsible for the cost.
   c. Scan the DN and email it to the agency's assigned Analyst.

2. Coordinate with the DPA Government Services section to deliver the boxes of the approved DN.
   a. The agency transports its records with approved DN to the DPA loading dock.
   b. Once the vendor servicing the DPA contract completes the destruction of the dumpster, the agency will receive an updated copy of the DN, via Email, reflecting that the destruction of the documents was completed by DPA (lower right portion of the DN).
   c. The DPA provides secure destruction services to agencies at no cost to the agency.
   d. The DPA does not provide transportation assets to agencies for this service.

C. Continuing Authorization for Record Destruction.

1. The State Archivist may authorize an agency to destroy specific records series, scheduled for monthly, weekly, or daily destruction, in accordance with authorized records retention and disposition schedule, without requiring an agency to notify DPA as provided in the rules above.

2. The agency's RO/AA shall request a continuing authorization in writing prior to the beginning of each Fiscal Year (July 1), and shall report the volume and inclusive dates of records destroyed under continuing authorization during the previous fiscal year.

D. The agency RO/AA will retain the completed DN on file at their agency location for 10 Years (State Agency General Retention Schedule Administrative Records Series GAR-034) as evidence that their identified documents were destroyed.

II. Destruction Notices generated by the DPA for Transitory Records stored at the State Records Center.

A. DPA Government Services will prepare a DN using the agency approved RS, noting series number, title, description, date span of records, number of cubic feet, records center container numbers and any media identifiers (number of microfiche, film roll numbers, etc.). The DN will be sent via email to the agency's RO/AA indicating the listed records have met their retention limit.

B. This notification requires the agency's RO/AA agent to approve the DN and certify that a successful audit of the records had been completed and that there are no pending legal actions related to the records being destroyed. (See section I.A.3. above) The agency returns the DN to the DPA analyst within fourteen (14) calendar days.

C. Once the DN is approved by the State Archivist, a copy of the approved DN will be sent to the agency and the records placed in the secure dumpster for destruction. Once the vendor servicing the DPA contract completes the destruction of the dumpster, the agency will receive an updated copy of the DN, via Email, reflecting that the destruction of the documents was completed by DPA (lower right portion of the DN).

D. If the agency disagrees with destruction of the records, then the agency must contact DPA regarding the DN. If authorization for destruction is not given by the agency, a letter of explanation and the voided DN are returned to DPA within fourteen (14) calendar days to be retained on file until all outstanding issues are resolved. Once resolved, a new DN will be initiated and sent to the agency for review and approval.

III. Prohibited Items: Paper should be the only material in boxes earmarked for delivery to the DPA for destruction. The vendor that services the DPA confidential destruction contract recycles the subsequent shredded material.

A. It is imperative that the following items be removed from approved destruction containers before they are delivered to the DPA:
1. Notebook binders.
2. Spiral binders (metal or plastic).
3. Folders with metal fasteners.
4. Audio or video tapes.
5. Black metal or plastic clips.
6. Computer printout binders.
7. Microfilm or microfiche.
8. Magnetic tapes.
9. Office trash (magazines, food wrappers, books, etc.).

B. The DPA will refuse to accept any boxes containing any of the prohibited items listed above.

IV. DPA Contact Information:

A. The Delaware Public Archives has assigned an Information Resources Specialist (IRS) to each state and local government agency. A listing of Agency Assignments may be located by using the link below. http://archives.delaware.gov/govsvcs/pdfs/Agency%20Assignments/Agency%20Analyst%20Assignments.pdf

B. For further information and assistance, please review the references listed at the bottom of the information paper, contact your assigned analyst, or contact the DPA Government Services section at (302) 744-5000.

Effective: May 15, 2013

References:
Delaware Public Archives Operating Policies and Procedures: Records Transfer and Destruction Boxes
State Agency General Retention Schedule Administrative Records
Title 29 Delaware Chapter 5
State of Delaware Audit and Investigative Reports Link: http://auditor.delaware.gov