



Delaware Public Archives (Archives) Government Services

Frequently Asked Questions (FAQ)

(Last Updated 8/15/2018)

The Government Services FAQ page is divided into three sections in order to provide you the explanations to your questions quickly.

- [Concerning Public Records Laws](#)
- [Concerning Delaware Public Archives Policy and Procedures](#)
- [Concerning Requests for School Records](#)

FAQ Concerning Public Records Laws

Q. Does the Archives have a notification service? If so, how do I subscribe to announcements concerning Records and Information Management issues?

A. Yes. The Government Services section has added a 'Records and Information Management' announcement section to the Delaware Notification Service. This added subscription service enables the Government Services section to provide almost instantaneous information to approximately 1,100 state and local government agencies. With this new feature, the Delaware Public Archives will have the ability to send out national and state emergency weather alerts and planned announcements such as educational opportunities, FAQs, Archives records management policy, procedure, and general retention schedule updates in a more efficient manner to the state and local governments. *It is highly recommended that all records officers, authorized agents and records managers create or update their notification profile and subscribe to the Delaware Public Archives' Records and Information Management announcements. If you need more information please use the following link: [How to Subscribe to Announcements from the Delaware Public Archives](#)*

Q. What is the Delaware Public Records Law?

A. [The Delaware Public Records Law](#) is a single body of law applicable to all public officers and employees on the subject of public records management and preservation and to ensure that the procedures used to manage and preserve public records will be uniform throughout the State. [29 Del. C. § 501-536.](#)

Q. What is a Vital Record?

A. 'Vital Records' are those records that are required to ensure that an agency is able to function during an emergency, disaster, and recovery operations. Furthermore, they are records that are crucial to protecting the legal and financial rights and interests of an agency and of the individuals directly affected by its activities. *The agency is responsible for identifying which of their records are Vital.*

Q. What is a Public Record?

A. Delaware Public Records Law ([29 Del. C. § 502](#)) defines a Public Record as:

“... any document, book, photographic image, electronic data recording, paper, sound recording or other material regardless of physical form or characteristics, including electronic records created or maintained in electronic information systems, made, used, produced, composed, drafted or otherwise compiled or collected or received in connection with the transaction of public business or in any way related to public purposes by any officer or employee of this State or any political subdivision thereof.”

NOTE:

- It is the content of a record, not the medium, determines whether a record constitutes a public record.
- An electronic record is a record that is stored, generated, received, or communicated by electronic means for use by, or storage in, an information system or for transmission from one information system to another.
- Electronic record formats include, but are not limited to, word processing documents, spreadsheets, databases, emails, websites, audio, and video files, etc.

Q. What is a Confidential Record?

A. Confidential records are records that are not open to the public in order to protect the privacy rights of individuals or the security arrangements of locations, persons, places and items, as defined by law. Federal and State statutes and regulations determine a record’s confidentiality. Restrictions to public inspection may apply to the entire record or to discrete portions of information enclosed in the record. It is the agency’s responsibility to identify records containing confidential information.

Q. Are emails (electronic mail) records?

A. Yes, emails are records and are subject to public access and records retention laws. There is not a single retention period that applies to an agency’s email as a whole. As with a paper record, the retention of an email message is determined by the content of the message and its purpose.

Q. Are websites records?

A. Yes. Websites contain informational and/or historical records that document the function of an agency. The retention period for a website is determined by its content.

FAQ Concerning Archives Policies and Procedures

Q. Are agencies required to appoint a Records Officer?

A. Yes. In accordance with 29 *Del. C.* § 521, each state agency and political subdivision is required to have at least (1) Records Officer.

Q. How do agencies appoint a Records Officer and/or Authorized Agent?

A. To appoint a Records Officer and/or Authorized Agent, an agency shall complete the “Records Officer and Authorized Agent form, which is available on our website under the Government Services-Records Management, [Records Management Forms](#). Please note that an agency is required to submit their appointments each year by July 1st. In the event that your designee(s) changes during the course of the year, agencies shall notify Delaware Public Archives, in writing, within 30 days.

Q. What is the difference between a Records Officer and Authorized Agent?

A. The Records Officer performs the function of liaison with the Archives regarding agency records administration. This includes requests for all records retention scheduling, storage, document imaging, information retrievals, and destruction services. Additionally, the agency Records Officer is responsible for working with the Archives for the control of all agency publications as mandated by 29 *Del. C.* § 519.

The Authorized Agent assists the Records Officer in performing records management functions such as processing Transfer Documents (TD), Destruction Notices (DN), and Record Service Forms.

Q. What is the difference between the Archives’ Policies and procedures and the User Guides and Manual?

A. Policies and procedures provide rules and guidelines formulated and adopted by Archives. They assist in reaching long-term goals and influencing or determining decisions and actions, while User’s Guides and Manuals provide step-by-step instructions to assist an agency in performing tasks or completing the various forms that are required by the Archives.

Q. Who is the Information Resource Specialist ([Records Analyst](#)) assigned by the Archives to assist my Agency?

A. You may find the Records Analyst assignments by clicking the following link: [Agency Assignments](#), or by calling the Government Services Manager at (302) 744-5021.

Q. Where may I locate the Records Management Forms that are required by the Archives (Government Services)?

A. The Records Management Forms are located on the Archives website, under Government Services Section, [Records Management Forms](#).

Q. How do I complete the various forms required by the Archives?

A. The Archives has published User Guides for each of the Government Service Forms. The guides are located below each of the forms on the website, under Government Services, [Records Management Forms](#). If you have any questions or require additional assistance completing the forms, please contact the [Records Analyst](#) assigned to your agency.

Q. How does my agency transfer records to the Archives?

A. To transfer records to Archives, records must have met their required retention as outlined in the Agency Specific or General Records Retention Schedule. Once it has been determined that the records are eligible for transfer, the agency must properly prepare the files, making sure that the files are arranged in alphabetical or numerical order, and placed in the proper type of box. For more information on this process, please review our [transfer manuals](#) or [User's Guide for Transfer Form](#), contact your agency's assigned records analyst.

The designated Records Officer or Authorized Agent must then complete a [Transfer Document Form](#) and Content List. Please note that the content list must be obtained through your assigned Records Analyst. Once the transfer document and content list have been completed, they should be emailed, in their original format, to the assigned Records Analyst for review. The Archives will notify the agency and coordinate the physical transfer of the records once the forms have been processed and approved. Please note that this process may take up to 6-8 weeks.

Additional information concerning the transfer of records is outlined in the Delaware Public Archives [Transfer Manuals](#) which are available on the Delaware Public Archives website.

Q. What is the proper process for my agency to destroy its' records?

A. To request destruction authorization from the Archives, records must have met their required retention as outlined in the Agency Specific or General Records retention schedule. Once it has been determined that the records are eligible for destruction, the agency must properly prepare the files by removing materials such as metal, plastics, etc. (please review [Items Prohibited in Destruction Boxes](#)) and place them in the proper type of box for destruction. For more information on this process, please review our [User's Guide for Destruction Form](#) or contact your agency's assigned records analyst.

The designated Records Officer or Authorized Agent must then complete a [Destruction Notice Document Form](#). Once the Destruction Notice has been completed, it should be emailed, in its original format, to the assigned Records Analyst for review. The Archives will notify the agency when Destruction Notice has been approved and when the agency may proceed with the destruction process or to coordinate the physical transfer of the records to the archives if necessary.

Please remember records may not be destroyed without the consent of the State Archives ([29 Del. C. § 504\(b\)](#)).

Q. What's the best way to physically transport the records to the Archives?

A. Any time an agency delivers records to the Archives, they should only be transported in a closed and lockable vehicle. This will ensure that the information is safeguarded against the loss, unauthorized access, use or accidental disclosure of protected information.

Q. Does the state have a contract for purchasing boxes?

A. Yes. Please refer to our [User's Guide to Storage and Use of Archival Boxes](#). Local and Municipal governments are not included in the contractual pricing; however the company may choose to negotiate similar pricing.

Q. How do I obtain a Content List?

A. The Government Services section creates content lists based on the State or Local General Retention Schedules and Agency Specific Retention Schedules. The content list is an inventory of the records transferred to the Archives or State Records Center that uses multiple identifiers unique to the record series that enable the Archives to recall the file when necessary. An agency may request a content list and an inventory of their previously transfer records by contacting their [assigned analyst](#).

Q. How does my agency request records after they have been transferred to the Archives or the State Records Center?

A. To obtain a record that was previously transferred to the Archives/State Records Center, the agency's Records Officer or Authorized Agent completes a [Records Service Form](#). Once the form has been completed, please submit the form, in its original format, to the Archives' Ready Records resource email account records@state.de.us.

Q. How long does it take the Archives to deliver a file?

A. The Archives delivers files on a weekly basis to agencies. The Archives must receive the Record Service request by noon of the day prior to the scheduled delivery day. Record deliveries for New Castle County are conducted on Tuesdays, while deliveries to Kent and Sussex Counties are conducted on Thursdays. Please note that holidays and inclement weather may delay the delivery of records.

Q. What is a retention schedule?

A. A retention schedule is a document that lists the title and description of records; the minimum retention or length of time a record should be kept in an office or storage facility; the final disposition (temporary/permanent storage or destruction); whether or not a record is considered vital (essential to the continued functioning of an agency during and after an emergency); and whether or not a record is open to confidential public inspection.

There are two types of retention schedules that are used by agencies. A general record retention schedule applies to records common to several or all state or local government agencies, such as accounting and financing, administration, personnel, and electronic records. An agency specific retention schedule is unique or specific to a particular agency's operations and mission.

Q. Does our agency have a retention schedule? I cannot find anything on the Archives website for our agency.

A. Yes. Agencies may locate the all the ["General" retention schedules](#) on the Archives' website under Government Services. Agencies obtain their 'Agency Specific' retention schedules by contacting the assigned Archives [records analyst](#).

Q. What is a Records Series?

A. A record series is the basic unit for organizing and controlling files. It is a group of files or documents kept together because they relate to a particular subject or function, result from the same activity, document a specific type of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, maintenance, or use.

Q. Is an agency required to review their retention schedules to ensure that they are accurate? If so, what are factors that may require a revision and how would an agency accomplish this task?

A. Agencies should review their retention schedules regularly to ensure that they are complete and accurate. Reasons for making revisions include the creation or modification of a record series, changes in state or federal regulations, incomplete or unclear descriptions, reorganization of an agency or office, etc. This process may be initiated at any time by an agency or at the request of the Delaware Public Archives.

To revise a retention schedule, the agency's Records Officer shall conduct a thorough review of the retention schedule and identify any modifications by completing a Record Series Inventory Form (RSI) for each applicable record series. Agencies are required to provide descriptive information, such as the title, purpose, and function of the record, forms/documents included within the record, date span, format, frequency of reference, access restrictions, current location, etc. The descriptions should be detailed to ensure that someone outside of an agency would understand the record. For clarification purposes, agencies should refrain from using acronyms.

Once a retention schedule has been identified as requiring a revision, the Agency Records Officer will collaborate any modifications with their assigned Records Analyst from Delaware Public Archives (29 Del. C. § 524). In addition to the agency's Records Officer and the Archives' Records Analyst, it is also important to involve, record users, Information Technology and other subject matter experts to ensure that the retention schedule is fully comprehensive. Final revisions require the review attorney general's office and written approval by the agency head.

Q. How may an agency view microfilm and/or microfiche if they do not have the proper equipment at their agency?

A. There are several microfilm and microfiche viewers available for agencies to use in the Archives' research room. The agencies are not charged a fee to use the machines; however, if paper copies are needed, the agencies will incur a printing fee. To waive this fee, your agency may bring copy paper for their use.

FAQ Concerning Requests for School Records

Q. If a student in a public or charter school is transferring out of state or to a private school, may I send the original Delaware student/school record to the receiving school?

A. NO. Original Delaware records should never be transferred outside the direct control of a State of Delaware Agency; therefore, schools may ***not*** send the original student record to private or out of state school. Instead, the school may send a ***copy*** or certified copy if that is the school policy. When it pertains to the records of the State of Delaware, please remember the adage “If it is made in Delaware, it stays in Delaware.”

Q. How may I request student/school records?

A. If a school is still in operation, patrons must request their educational records through the school.

The Archives only services record requests for High Schools that are permanently closed. As a result, we are currently able to assist patrons with record requests for:

- Claymont High School (1911-1990)
- Delaware MET Charter School, The (2015-2016)
- De La Warr High School (1961-1978)
- Dover Air Force Base High School (1958-1985)
- El Shaddai Academy (1978-1990)
- Georgetown Charter School (2001-2002)
- Henry C. Conrad High School (- 1978)
- Marion T Academy Charter School (1998-2009)
- Maurice Moyer Charter School (2008-2015)
- Pencader Charter High School (2009-2012)
- Prestige Academy Charter School (2008-2017)
- P. S. DuPont (1935-1978)
- Reach Academy Charter School (2010-2015)
- Richard Milburn Charter School (1999-2000)
- William C. Jason Comprehensive High School (1950-1967)
- Wilmington High School (1932-1999)

Agencies requesting records are required to complete the Records Request Form. Once this form has been complete, please submit the form, in its original format, to Ready Records, rrecords@state.de.us

Former students (and their parents, with limitations) may have access to their own “educational record.” However, these records are prohibited from disclosure to other third parties under Delaware’s Freedom of Information Act (FOIA) 29 *Del. C.* § 10002(1)(2) and the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g and 34 CFR Part 99. Please note the Archives does not receive or store educational records from Private Schools.

Q. How may I contact the Delaware Public Archives?

A. Physical and Mailing Address: 121 Martin Luther King Blvd. North, Dover, DE 19901
Phone: (302) 744-5000
Mailbox Resource: rrecords@state.de.us
Website: archives.delaware.gov

Other Public Reference Materials/Collections may be located by using [The DPA Collection Gateway](#).