I. PURPOSE

This operating procedure establishes a protocol to ensure the retention and disposition of Department of Corrections public records as provided by the Virginia Public Records Act.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Archival Record - A public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

Electronic Record - A public record whose creation, storage, and access require the use of an automated system or device; ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

Enduring Value - Any publication, correspondence, or record determined or anticipated to have permanent future historical significance as a form of documentation of the administrative, legislative, legal, social, economic and cultural activities of and in the Commonwealth of Virginia.

Essential Public Record - Records that are required for recovery and reconstruction of any agency to enable it to resume its core operations and functions and to protect the rights and interests of persons

Medical Records - The documentation of health care services, whether physical or mental, rendered by direct or indirect patient-provider interaction which is used as a mechanism for tracking the patient's health care status.

Organizational Unit Head - The person occupying the highest position in a DOC operating unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, or other separate operational unit

Public Record or Record - Recorded information that documents a transaction or activity by or with any public officer, agency, or employee of an agency; Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received, or retained in the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record.

For purposes of the Virginia Public Records Act, Public Record shall not include non-record materials, meaning materials made or acquired and preserved solely for reference use or exhibition purposes, extra
copies of documents preserved only for convenience or reference, and stocks of publications.

**Records Retention and Disposition Schedule** - A Library of Virginia-approved timetable stating the required retention period and disposition action of a records series; the administrative, fiscal, historical, and legal value of a public record shall be considered in appraising its appropriate retention schedule. The terms Administrative, Fiscal, Historical, and Legal Value shall be defined as:

- **Administrative Value** - Records shall be deemed of administrative value if they have continuing utility in the operation of an agency.
- **Fiscal Value** - Records shall be deemed of fiscal value if they are needed to document and verify financial authorizations, obligations, and transactions.
- **Historical Value** - Records shall be deemed of historical value if they contain unique information, regardless of age, that provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.
- **Legal Value** - Records shall be deemed of legal value if they document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.

IV. **PROCEDURE**

A. **Identifying Permanent Records**

1. Permanent records are identified on all retention and disposition schedules prepared or approved by the Library of Virginia, Records Analysis Services.
2. Any questions regarding the creation of, inclusions or exclusions to the General and Specific Retention Schedules should be referred to the DOC Records Manager or the Records Section of the Library of Virginia, Records Analysis Services.

B. Documents and correspondence received from businesses or individuals are permanent documents. They will be retained in the form that they are received.

C. The organizational unit head shall be responsible for reviewing and identifying permanent records on the schedules and having those necessary added to the schedules.

D. **Records Managers**

1. DOC Records Manager - The Director has appointed the Office of the Deputy Director of Administration, as DOC Records Manager. The DOC Records Manager will serve as liaison between the DOC and the Library of Virginia, Records Analysis Services, and coordinate the records retention and disposition of the organizational units.
2. Organizational Unit Records Manager - Each organizational unit head shall appoint a records manager to assist with the retention and disposition of records of the unit.
   a. The designation and approval of the records manager shall be documented and filed with the Library of Virginia using the *Records Officer Designation And Responsibilities* (RM-25 FORM) available at [Library of Virginia Forms Cabinet](http://forms.cabinet.state.va.us). (added 4/26/16)
   b. The name and telephone number of the organizational unit records manager shall be furnished to the DOC Records Manager.
   c. The organizational unit records manager shall maintain a current set of applicable Retention and Disposition Schedules at the unit and see that records are properly classified, retained, and disposed of per the schedules.

E. **Retention and Disposition of Public Records**

1. Non-Permanent Records
   a. Public records not classed as archival or permanent records shall be disposed of only according to the applicable retention and disposition schedules.
   b. Records Retention and Disposition Schedule
i. No. GS-101 Administrative Records
ii. No. GS-102 Fiscal Records
iii. No. GS-103 Personnel Records
iv. No. GS 113 Information Technology
v. No. GS-129 Criminal Justice Training Academy
vi. No. 701-100 All Correctional Institutions
vii. No. 701-202 Medical Records
viii. No. 701-301 Office of Health Services
ix. No. 701-400 Certification /Jail Inspections
x. No. 701-501 Community Corrections
xi. No. 701-502 Central Criminal Records
xii. No. 701-503 Central Criminal Records

c. Such records may be retained longer than the specified minimum time at the discretion of the agency depending upon available storage space.
d. Data collected for allegations of sexual abuse at facilities under its direct control and as stipulated in Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*, must be retained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise. (§115.89[d], §115.289[d])
e. A Library of Virginia Form RM-3, *Certificate of Records Disposal* shall be completed prior to disposing of any public record (see *Completion Instructions for RM-3*). Disposal of records must be coordinated through each organizational unit’s Records Manager who must review and sign the form. The RM-3 with original signatures is submitted to the Library of Virginia and the organizational unit records manager should retain a copy. This form is available from the Library of Virginia, Forms Cabinet Records Analysis Services. (changed 4/26/16)

2. Public records classed as archival or permanent shall be transferred to the State Archives according to the applicable retention and disposition schedules.

3. See the following operating procedures for additional information for management of offender records:
   a. Operating Procedure 050.1, *Offender Records Management*
   b. Operating Procedure 701.3, *Health Records*

V. REFERENCES
17VAC15, Chapter 20 Microfilming Archival Public Records
17VAC15, Chapter 50 Archival Computer Output Microfilm
17VAC15, Chapter 70 Standards for Recorded Instruments
Guidelines for Microfilming Records (Library of Virginia publication)
Guidelines for Accepting Microfilm, Microfiche or Optical Media for Security Storage at The Library of Virginia
Library of Virginia Forms Cabinet (added 4/26/16)
Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*
Operating Procedure 050.1, *Offender Records Management*
Operating Procedure 701.3, *Health Records*
Records Retention and Disposition Schedules
No. GS-101 Administrative Records
No. GS-102 Fiscal Records
No. GS-103 Personnel Records
No. GS 113 Information Technology
VI. FORM CitATIONS

None

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

The office of primary responsibility reviewed this operating procedure in June 2017 and no changes are needed at this time.

*Signature Copy on File*  
4/14/16

Harold W. Clarke, Director  
Date