

## APPENDIX 4

### RECORDS MANAGEMENT<sup>1</sup>

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For years, officials in counties and municipalities have wondered how to deal with the enormous quantity of local government records cluttering courthouses, city halls, and storage facilities of every description. What should be kept? How long? What could be destroyed? When? What had historical value? What did not? Etc., etc., etc. Very little guidance concerning records management existed in state law; and various state officials, when asked for suggestions, were able to furnish few.

In 1996, the Legislature established the Government Records Office within the Department of Archives and History.<sup>2</sup> In addition to any powers and duties already prescribed by law or assigned to the office by the director of the Department of Archives and History, the office was to have the following powers and duties:

- (a) Provide and/or coordinate education and training for counties and municipalities on records management issues.
- (b) Establish records management standards to guide counties and municipalities, such standards to include, but not be limited to, guidelines for microfilm production and storage, electronic records security and migration, records preservation, imaging and records storage.
- (c) Prepare records control schedules for adoption or amendment by the Local Government Records Committee established in Section 25-60-1. In the preparation of such schedules and amendments thereto, the office shall seek input from interested citizens and organizations.
- (d) Establish standards for records storage areas of local governmental bodies,

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<sup>1</sup>The information found in this appendix is taken from §§ 25-60-1, 25-60-3, 25-60-5, and 39-5-9 of the *Code*. It is important to note that these sections of state law are subject to automatic repeal effective July 1, 2006. In addition, *the local government records management regulations are applicable only to participating counties – any county having been allowed to exempt itself from the requirements by resolution spread upon the minutes of the board of supervisors.*

<sup>2</sup>*Code*, § 39-5-9.

**Authors' Note:** Much of the material presented here was compiled from information obtained at the Mississippi Department of Archives and History's web site ([www.mdah.state.ms.us](http://www.mdah.state.ms.us)).

such standards to include, but not be limited to, guidelines for the selection of an off-site storage facility for records of enduring and/or archival value.<sup>3</sup>

In addition, the Legislature in 1996 created a Local Government Records Committee composed of certain state officials or their designees, representatives of major associations of local government officials appointed by the heads of the associations, and a resident of the state appointed by the governor. This committee is chaired by the director of the Department of Archives and History.<sup>4</sup>

It is the duty of the Local Government Records Committee to review, approve, disapprove, amend, or modify records control schedules submitted by municipalities, municipal courts, and *participating counties* for the disposition of records based upon administrative, legal, fiscal, or historic value.<sup>5</sup>

Municipalities and *participating counties* must cooperate with the Local Government Records Committee. In addition, each municipality and *participating county* must establish and maintain an active and continuing program for the management of its records and shall submit to the committee recommended retention schedules for records in its custody.<sup>6</sup>

Counties and municipalities were authorized to establish, through agreements executed under the Interlocal Cooperation Act of 1974, regional record centers for the storage, preservation, and use of permanently valuable county and municipal records and of inactive county and municipal records required to be retained for a prescribed period of time but which are not needed to be kept in the creating office. Any such regional record center established had to be certified by the Department of Archives and History or administered by the department pursuant to a contract between the department and the local government or governments which established the center.<sup>7</sup>

Finally, a document filing fee of \$1.00 for each document filed as a public record is to be collected and split equally between the state and the local unit of government. The Department of Archives and History is to expend the state's share of the document filing fee to support the Local Government Records Office described above. The local unit of government is to expend its share of the document filing fee to support proper management of its official records in accordance with the records management standards established by the Department of Archives

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<sup>3</sup>Ibid.

<sup>4</sup>*Code*, § 25-60-1.

<sup>5</sup>Ibid.

<sup>6</sup>Ibid.

<sup>7</sup>*Code*, § 25-60-3.

and History.<sup>8</sup>

The Local Government Records Office issues records control standards or schedules in accordance with § 39-5-9 of the *Code*. All issued schedules have been individually approved by the Local Government Records Committee; however, they may be revised and new ones issued as deemed appropriate by the Local Government Records Office.

Local government officials should note that the retention period listed is the *minimum* time required to retain the records. The Department is careful to point out that “there may be conditions or factors in a local government that require retention of a particular record series for a longer period than is required by the general records schedule, and, in such cases, the local governments are urged to continue retention of the records series as needed.” However, while local governments may retain the record series longer than required, no exception is allowed to destroy a records series sooner than the scheduled retention period.<sup>9</sup>

The Department also cautions local government officials that “records involved in investigations, audits, or litigation must be maintained until the settlement of the case and subsequent appeals regardless of disposition instructions found in a records retention schedule.” Furthermore, “no local government records dating prior to 1920 shall be destroyed without special schedule directions issued by the Committee.” The Local Government Records Committee has authority to modify this date “according to the historical value of a particular record series by placing a special statement in the retention period of such series with an approved records control schedule.” Finally, “destruction of records dating prior to 1940, but after 1919, may be undertaken only with the written approval of the Director of the Department of Archives and History.”<sup>10</sup>

After the minimum retention period has passed, local government officials are authorized to dispose of the records if there are no “extenuating circumstances.” Disposition is to be done “in a manner consistent with the nature of the records (e.g. records containing confidential information should be disposed in a manner that will insure confidentiality).” The Department suggests that after a particular record retention period has expired, a local government may choose to transfer such records “to a public library or a local historical organization as an alternative to destruction.” However, before conducting such a transfer, the local government get approval from the Local Government Records Office.<sup>11</sup>

According to state law, “records may not be destroyed except in accordance with an approved

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<sup>8</sup>*Code*, § 25-60-5.

<sup>9</sup>Mississippi Department of Archives and History. “State of Mississippi Local Government General Records Control Schedules.” [Online December 2, 1999.] Available <http://www.mdah.state.ms.us/locgov/inst.html>, 1999.

<sup>10</sup>*Ibid.*

<sup>11</sup>*Ibid.*

retention schedule.” Records not listed in a schedule are therefore “not eligible for disposal until an appropriate records retention schedule has been approved by the Local Government Records Committee.”<sup>12</sup>

For a complete listing of the records retention schedules approved by the Mississippi Local Government Records Committee, see the Mississippi Department of Archives and History web site located at [www.mdah.state.ms.us](http://www.mdah.state.ms.us). Remember that the retention schedules listed for county offices are applicable *only* to counties participating in the local government records management program.

The Local Government Records Office is located in the Capers Building at 100 South State Street (junction of State and Capitol Streets) in Jackson, Mississippi. For more information, call (601) 359-6894 or e-mail [localgov@mdah.state.ms.us](mailto:localgov@mdah.state.ms.us).

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<sup>12</sup>Ibid.