

# RECORDS MANAGEMENT POLICY #6.0 - AUGUST 1995

## EMPLOYEE RECORDS - SEPARATION FROM UCS

The purpose of this guideline is to effectively manage the records of employees who separate from the New York State Unified Court System. Under the guidelines courts and agencies will retain essential records, recover space and avoid the costs associated with maintaining obsolete records. The goals are (1) to ensure that a complete record of official activities remains with the court/agency and (2) that all other papers are removed after disposition options are evaluated. The policy covers official records in all formats: paper, microforms, computer readable, photographs, books, maps, video and sound recordings. It does not include blank forms, stocks of publications or reference materials.

Official records are records:

- 1) created or received pursuant to law
- 2) used in connection with public business
- 3) existing as evidence of the agency's activities, including those promulgated as reports, studies, decisions, guidelines and policies.

Official records document a process as well as an activity and must remain with the UCS. They are used as the documentation to reconstruct and understand the development and evolution of the judiciary and constitute the "institutional memory" of the Unified Court System.

Personal records are:

- 1) records not used in the transaction of court or agency business
- 2) preliminary drafts not circulated for comment
- 3) extra copies maintained for the convenience or reference of the user
- 4) records created solely to assist the user in performance of his or her duties, e.g., diaries, journals, notes, personal calendars and appointment schedules
- 5) materials created before employment in the court system
- 6) private correspondence

**Some official records and some categories of personal records that relate to the official work of the court or agency may be confidential. These must not be removed when the employee separates from the UCS.**

**The employee and his or her supervisor should begin to evaluate records as soon as the decision is made to separate from the UCS. The evaluation should classify personal and official records and identify confidentiality issues. Eligible official records should be disposed of pursuant to the Records Retention and Disposition Schedules (following the authorization procedure outlined in 22 NYCRR 104). Official records that have not yet been scheduled for destruction, and records whose designation as official or personal is ambiguous, should be retained until they are appraised by the Office of Records Management. NO OFFICIAL RECORDS MAY BE DISPOSED OF WITHOUT THE APPROVAL OF THE DEPUTY CHIEF ADMINISTRATIVE JUDGE (22 NYCRR §104.3)**

**Records that are clearly and solely personal may be removed by the employee or, if not removed, disposed of without further review. In addition, employees may make copies of certain official records and make them part of their personal records that may be removed. However, personal records that are drafts or copies of confidential official records may be removed by the employee only with the prior approval of the appropriate Administrative Judge or the Deputy Chief Administrative Judge for Management Support.**