Note: For information regarding security breaches, see CQB.

For record retention requirements under specific statutes, see the applicable policy code.

<table>
<thead>
<tr>
<th>Definitions</th>
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<tbody>
<tr>
<td>Custodian</td>
<td>“Custodian” means the appointed or elected public officer who by</td>
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<td></td>
<td>the state constitution, state law, ordinance, or administrative</td>
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<td></td>
<td>policy is in charge of an office that creates or receives local</td>
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<tr>
<td></td>
<td>government records.</td>
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<tr>
<td>Essential Record</td>
<td>“Essential record” means any district record necessary to the re-</td>
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<td></td>
<td>summation or continuation of district operations in an emergency</td>
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<td></td>
<td>or disaster, to the re-creation of the legal and financial status</td>
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<td>of the district, or to the protection and fulfillment of obliga-</td>
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<td></td>
<td>tions to the people of the state.</td>
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<tr>
<td>Local Government</td>
<td>“Local government record” means any document, paper, letter,</td>
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<tr>
<td>Record</td>
<td>book, map, photograph, sound or video recording, microfilm, mag-</td>
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<tr>
<td></td>
<td>netic tape, electronic medium, or other information-recording</td>
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<td></td>
<td>medium, regardless of physical form or characteristic and regard-</td>
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<td>less of whether public access to it is open or restricted under</td>
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<td>the laws of the state, created or received by a district or any</td>
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<td>of its officers or employees, pursuant to law or in the transac-</td>
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<td>tion of public business. The term does not include:</td>
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<td></td>
<td>1. Extra identical copies of documents created only for conven-</td>
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<td></td>
<td>ience of reference or research by district officers or employ-</td>
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<td></td>
<td>ees;</td>
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<td>2. Notes, journals, diaries, and similar documents created by a</td>
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<td>district officer or employee for his or her own personal con-</td>
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<td></td>
<td>venience;</td>
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<td>3. Blank forms, stocks of publications, and library and museum</td>
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<td>materials acquired solely for the purposes of reference or dis-</td>
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<td></td>
<td>play; or</td>
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<td>4. Copies of documents in any media furnished to the public un-</td>
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<td>der the Public Information Act or other state law.</td>
</tr>
<tr>
<td>Permanent Record</td>
<td>“Permanent record” or “record of permanent value” means any lo-</td>
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<tr>
<td></td>
<td>cal government record for which the retention period on a records</td>
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<tr>
<td></td>
<td>retention schedule issued by the Texas State Library and Archives</td>
</tr>
<tr>
<td></td>
<td>Commission (TSLAC) is given as permanent.</td>
</tr>
<tr>
<td>Records Control</td>
<td>“Records control schedule” means a document prepared by or un-</td>
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<tr>
<td>Schedule</td>
<td>der the authority of a records management officer listing the rec-</td>
</tr>
</tbody>
</table>
Terms and definitions:

**Records management** means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

**Records management officer** means the person identified under Local Government Code 203.025 as the records management officer. [See Designation, below]

**Records retention schedule** means a document issued by TSLAC under authority of Subchapter J, Chapter 441, Government Code, establishing mandatory retention periods for local government records.

**Retention period** means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

**Local Gov't Code 201.003**

**District’s Duties**

Each district shall:

1. Submit to the director and librarian of TSLAC the name of the district’s records management officer and the name of the new officer in the event of a change;

2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian;

3. Notify TSLAC at least ten days before destroying a district record that does not appear on a records retention schedule issued by TSLAC; and

4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the district has prepared a records control schedule that:
a. Establishes a retention period for each district record as required by Local Government Code Chapter 203, Subchapter C; and

b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

Gov’t Code 441.169

The board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all district records;

2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;

3. Facilitate the creation and maintenance of district records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the district and designed to furnish the information necessary to protect the legal and financial rights of the district, the state, and persons affected by the district’s activities;

4. Facilitate the identification and preservation of district records that are of permanent value;

5. Facilitate the identification and protection of essential district records; and

6. Cooperate with TSLAC in its conduct of statewide records management surveys.

Local Gov’t Code 203.021

District custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by a district for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;

2. Adequately document the transaction of district business and the services, programs, and duties for which they and their staff are responsible; and
3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the district’s records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.

Local Gov’t Code 203.022

A board shall designate an individual or an office or position as the records management officer for the district.

The name, office, or position of the records management officer shall be entered into the minutes of the board and filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

Any subsequent designations of a new individual or a new office or position shall be entered into the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder’s name with TSLAC within 30 days after the date of assuming the office or position.

Local Gov’t Code 203.025

The district’s records management officer shall:

1. Assist in establishing and developing policies and procedures for a district’s records management program;

2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;

3. In cooperation with the custodians of the records:
   a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;
   b. Identify and take adequate steps to preserve district records of permanent value;
   c. Identify and take adequate steps to protect essential district records;
   d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out
in accordance with a district’s records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it;

4. Disseminate to the board and custodians of records information concerning state laws, administrative rules, and government policies relating to district records; and

5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov’t Code 203.023

A board by ordinance or order shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the board, custodians, and the records management officer to fulfill the statutory duties and responsibilities concerning management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C rules adopted under it. A copy of the ordinance or order must be filed by the records management officer with TSLAC within 30 days after the date of its adoption. Local Gov’t Code 203.026(a)–(c)

Records Control Schedules

The records management officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each:

   a. All records created or received by the district;

   b. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has not expired; and

   c. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and

2. File with the director and librarian a written certification of compliance that the district has adopted records control
schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

**Amendment of Schedules**

The records management officer shall review the district’s records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the district or revisions to retention periods established in a records retention schedule issued by TSLAC. The records management officer shall file with the director and librarian a written certification of compliance that the district has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The board shall require in the ordinance or order establishing the records management program the review or approval of a records control schedule or amended schedule by the officers of the district as it considers necessary.

*Local Gov’t Code 203.041*

**Retention Periods**

A retention period for each record on the records control schedule shall be determined by the board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court; or a retention period for the record established on a records retention schedule issued by TSLAC. *Local Gov’t Code 203.042*

**TSLAC Retention Schedules**

TSLAC has adopted the following retention schedules, among others: Local Schedule GR—Records Common to All Governments, Local Schedule EL—Records of Elections and Voter Registration, Local Schedule TX—Records of Property Taxation, and Local Schedule SD—Records for Public School Districts. These schedules establish mandatory minimum retention periods for the records listed. *13 TAC 7.125*

**Note:** Local government records retention schedules are available on the TSLAC website.

**Destruction of Records**

A district record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal requirements;

2. The record appears on a list of obsolete records as provided by Local Government Code 203.044;
3. The record is not listed on a records retention schedule issued by TSLAC and the district provides notice to TSLAC at least ten days before destroying the record as required by Government Code 441.169;

4. A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law; and

5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

Local Gov’t Code 202.002

A district record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A district record that is subject to a request under the Texas Public Information Act, Chapter 552, Government Code, may not be destroyed until the request is resolved. Local Gov’t Code 202.002

Recordkeeping

As a board may require, the records management officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. Local Gov’t Code 203.046

Preservation of Records

Permanent records shall be stored under conditions that meet the requirements of 13 Administrative Code 7.164.

Permanent Records

Microfilming

District records may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Chapter 204, Local Government Code and rules adopted by TSLAC. Local Gov’t Code 204.002

Electronic Storage

District record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Chapter 205, Local Government Code and rules adopted by TSLAC. Local Gov’t Code 205.002

[For information on electronic records, see CQ.]

Records Offenses

A board member or district employee commits an offense if the board member or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records)
or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). Local Gov’t Code 202.008

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an exception to the application of item 3, above, that the governmental record is destroyed pursuant to legal authorization or transferred under Government Code 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Local Government Code Title 6, Subtitle C.

Penal Code 37.10

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. 18 U.S.C. 1519

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1 Local Government Retention Schedules: https://www.tsl.texas.gov/slm/recordspubs/localretention.html