



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Administration TITLE-SERIES: 148-14

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Management of Records Maintained by the
Records Center

CITE STATUTORY AUTHORITY: §5A-8-1 through 20

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 323

Section §64-2-1(c) Passed On 1/30/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

February 13, 2020

This rule shall terminate and have no further force or effect from the following date:

February 13, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 148
LEGISLATIVE RULE
WEST VIRGINIA DEPARTMENT OF ADMINISTRATION

SERIES 14
RULES FOR THE MANAGEMENT OF RECORDS MAINTAINED BY THE
RECORDS CENTER

§148-14-1. General.

1.1. Scope. -- This legislative rule sets forth the Standards, procedures and techniques for effective management of records.

1.2. Authority. -- W. Va. Code §5A-8-1 through §5A-8-20.

1.3. Filing Date. -- February 13, 2020.

1.4. Effective Date. -- February 13, 2020.

1.5. Sunset provision. -- This rule shall terminate and have no force and effect after February 13, 2025.

§148-14-2. Definitions.

2.1. "Administrator" means Secretary of the Department of Administration, as designated by statute as State Records Administrator.

2.2. "Agency Records Manager" means an employee appointed by the agency head to manage the agency's records inventory and to act as liaison with the Administrator.

2.3. "Record" means any document, paper, spreadsheet, correspondence, electronic file, photograph, sound recording or other material, regardless of format, made or received pursuant to law or in connection with the transaction of official state business.

2.4. "Records Center" means the facility for storage of records that are required to be retained long-term.

2.5. "Retention and Disposal Schedule" means a schedule of approved retention periods for the records of an agency.

§48-14-3. Records Center.

3.1. The Administrator shall provide for a Records Center for the purpose of storing physical records that are required to be maintained for an extended time period. Agencies may use the Records Center at their option.

3.2. The Records Center shall be a secure facility that maintains industry standards for records retention. The Records Center should provide related services such as retrieval, transportation of records, indexing, destruction and materials necessary for storage.

3.3. The agency records manager is responsible for packing the records in the manner required by the Records Center, and utilizing any forms required by the Records Center.

§148-14-4. Selection of Records for Retirement.

4.1. Records requiring long-term physical storage should be transferred at least annually by the agency to the Records Center.

4.2. Listings of records eligible for storage should be prepared by the Agency Records Manager from the agency's current Retention & Disposal Schedule.

4.3. When planning records retirement, sufficient time should be allowed to secure storage cartons, pack and label cartons, index records contained in each carton, and make arrangements regarding physical transfer of records.

§148-14-5. Standard Records Storage.

5.1. All records retired to the Records Center should be packed in standard records storage cartons. Odd-sized boxes and transfer cases will not be accepted without prior approval of the Records Center.

5.2. All records should be organized, boxed, and filed as required by the State Records Center.

5.3. All records retired to the Records Center shall have an adequate description for the records contained in each carton and a retention period clearly identified.

§148-14-6. Authorized Personnel.

6.1. The agency head shall submit to the Administrator and the Records Center a listing of agency personnel authorized to request records or information stored in the Records Center.

§148-14-7. Procedure.

7.1. Records and/or information may be requested from the Records Center in accordance with the records request policy of the Records Center.

§ 148-14-8. Disposal of Records by Records Center ~~Personnel~~.

8.1. Records stored in the Records Center will be held until either removal or destruction is requested by the agency.

8.2. To protect confidentiality of certain records, agencies may request records to be shredded or securely destroyed by the Record Center, if the Record Center offers such services.

8.3. Agency records managers should annually review the inventory of records stored at the Records Center and the Records Retention and Disposal Schedule to determine if records stored at the Records Center have reached the end of the retention period and are eligible for disposal or destruction.

8.4. Requests to destroy records should be prepared for the records stored at the Records Center in the same manner as any other request to destroy and submitted to the Administrator for approval. Once approved, the agency records managers may either have the records destroyed or disposed of by the Records Center or may destroy or dispose of the records in-house.