



Records Retention and Disposition

Policy CP007

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Responsible Administrator: Director of Policy and Compliance

Responsible Office: Office of Policy and Compliance

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Policy Statement

FIT is committed to meeting its administrative, fiscal, legal, and historical obligations by systematically managing the records created in the course of the college's academic and administrative operations. Records management provides systemic, cost-effective control of the college's records from creation to final disposition in order to comply with federal and state law; protect vital records; minimize the cost of record retention; ensure the effective use of space; guarantee the disposition of outdated records; and preserve the college's history. This policy applies to all official records generated in any format in the course of FIT's operation, including both original documents and reproductions.

Reason for the Policy

The purpose of this policy is to ensure that each department at FIT follows the New York State Archives Records Retention and Disposition Schedule LGS-1. The retention schedule indicates the minimum length of time that community colleges must retain official records before they may be disposed of legally. The schedule is meant to ensure that necessary records are retained for as long as is required and that records that have met the legal minimum retention periods are discarded systematically when they do not have sufficient historical, administrative, or fiscal value. The New York State Arts and Cultural Affairs Law governs retention and disposition of official FIT records.

Who is Responsible for this Policy

- Records Management Officer (RMO)
- Records Advisory Group
- Head of Library Special Collections and College Archives
- Office of the General Counsel
- Department Heads (including, but not limited to, Vice Presidents, Deans, Directors, Department Chairs, etc.)

Who is Affected by this Policy

- All FIT departments and offices

Definitions

- **Active records:** Records that are actively being used by an office and usually referenced frequently (i.e., daily, weekly, or monthly basis).

- **Administrative value:** Necessary for the operation or functions of a department.
- **Archival record:** Inactive records that have permanent or historical value and are not required to be retained in the office in which the record was originally generated. See Principles for College Archives Storage and Historical Records for more information on retaining these records outside of the office.
- **Confidential Records:** This private data includes, but is not limited to, data protected by state and federal regulations, FERPA-protected student records, Personally Identifiable Information (e.g., bank account number, credit card number, debit card number, social security number, state-issued driver license number, and state-issued non-driver identification number), that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. It also includes health-related information or any other information that is confidential to the college and is not intended for public disclosure, such as employment records.
- **Department Heads:** Employee responsible for the overall operations of a department.
- **Disposition:** Destruction of a record regardless of the method used to destroy it (i.e., shredding, erasing, deleting, pulverizing, etc.)
- **E-discovery:** Electronic records that are the subject of a litigation discovery request.
- **Electronic record:** A record kept in an electronic format such as a word-processing document, a spreadsheet, a database, a scanned or imaged document, and any other type of file stored on a computer, server, or mainframe storage device or medium, or on any external or off-site storage medium, or with a third-party acting as the college's agent. Electronic records have the same retention periods as paper and other tangible records.
- **FERPA:** Family Educational Rights and Privacy Act of 1974 is a federal law that protects the privacy of students' education records. The act applies to all educational institutions that receive federal funds. For more information, see FIT's FERPA/Student Records policy.
- **Fiscal value:** The usefulness or significance of records containing financial information that is necessary to conduct current or future business or that serves as evidence of financial transactions.
- **FIT retention schedule:** LGS-1 retention schedule customized for FIT organized by division and department and that is specific to FIT records.
- **Freedom of Information Law (FOIL):** A series of laws designed to guarantee that the public has access to public records of governmental bodies in New York State. See FIT's Public Access to Records policy.
- **GLBA:** The Gramm-Leach-Bliley Act is a federal consumer protection law that governs the collection, disclosure, and protection of consumers' personal information and personally identifiable information by financial institutions. Institutions of higher education are covered by the law as they participate in financial activities, such as offering Federal Perkins Loans. The law

requires that institutions of higher education, among other requirements, protect against any anticipated threats or hazards to the security or integrity of customer information, and protect against unauthorized access to, or use of, such information that could result in substantial harm or inconvenience to any customer.

- **Historical value:** The importance or usefulness of records for understanding the past that justifies continued preservation because of the enduring administrative, legal, fiscal, or evidential information they contain.
- **Inactive records:** Records that are no longer active records but still must be maintained pursuant to the pertinent record retention schedule because of their continued administrative, fiscal, legal, or historical value. These records are typically referred to infrequently but are not yet ready for disposition.
- **Legal Hold:** A written (hard copy, by email, or other electronic means) directive issued by the Office of the General Counsel directing the retention of records related to an investigation or litigation.
- **Non-record:** Informational materials that do not meet the definition of a record (e.g., blank forms; extra copies of documents preserved only for convenience, or reference, of which no action is recorded or taken; or publications or other processed documents that require no action and are not part of a case in which action is being taken).
- **Office of Record:** The department or unit designated as having responsibility for retention and timely destruction of records – the office owns the records. Such responsibility is assigned to the department's or unit's head or their designee.
- **Permanent retention:** Records that must be retained permanently because of their continuing importance of the information they contain. Records that have a historical, administrative, or fiscal value to the college are "permanent" or "archival" records and will be kept indefinitely as noted in the LGS-1 retention schedule.
- **Personal Identifiable Information:** A person's name, personal mark, or other information which can be used on its own to identify the person, together with at least one of the person's data element: social security number, driver's license number, identification card number, mother's maiden name, financial services account codes, bank account codes/numbers, debit card numbers, electronic serial numbers, or other personal identification number.
- **Record:** All recorded information that is created, received, or maintained by FIT in the course of college business and that relates in any way to the functions, operation, or activities of the college. This definition encompasses recorded information in all formats and media including, but not limited to: emails, records stored on computer hard/shared/network drives, notes, working papers and drafts of documents by FIT employees and third parties, and copies as well as original records.
- **Retention period:** The minimum required length of time for which a department/unit is responsible for the maintenance of records according to New York State guidelines. FIT requires that all retention periods be determined based on the fiscal year in which the records were created. For example, applying the fiscal year retention system to records created within FY

2016 (from July 1, 2015 through June 30, 2016), with a retention period of four (4) years, means that the records may be disposed of after June 30, 2020.

- **Retention schedule (LGS-1):** The LGS-1 record retention schedule describes categories of records, providing a length of time they should be kept and includes instructions for disposition. Many of the schedule items are broad and describe the purpose or function of records rather than identifying individual documents and forms.
- **Vital records:** Documents, files, or records in any form or format, containing information that is: essential to the function and mission of the college; essential for the continuous operation or reconstruction of any college property; necessary to establish or protect the legal or financial position of the college; and necessary to protect and ensure the rights and interest of the employees and students of the college.

Principles

- **Ownership of Records**

Records created or received during the normal course of college business are the property of FIT and considered college resources. College personnel have no personal or property rights to any records even where they participated in the creation or making of the records unless otherwise expressly agreed to in writing by the college or covered by another college policy (*see, e.g.,* FIT's Intellectual Property policy). All employees are responsible for ensuring proper records management in accordance with college policies and in compliance with applicable federal and state laws. The same safeguards and controls over information stored electronically apply for information created and maintained in paper form.
- **Retention Schedule**

FIT adheres to the LGS-1 retention schedule. The retention periods specified are intended to be consistent with applicable legal, regulatory, accreditation, and other standards, including administrative and best practices. While the college must adhere to the minimum requirements of the LGS-1 retention schedule, longer retention schedules may be established by department heads. However, requests for establishing longer periods must be approved by the Records Management Officer.
- **Records Disposal**

Unless records have been defined as "permanent" or "historical," they will be destroyed according to the LGS-1 retention schedule. Once documents or records have exceeded their stated minimum retention period, they may be disposed following the college's disposition approval process. If a record is not listed on the LGS-1 schedule, it may not be disposed unless the disposition is covered by other federal or state laws.

 - **Destruction methods**
 - **Recycling:** Generally appropriate for all non-confidential paper documents, including, but not limited to, public documents of other organizations, magazines, annual reports, newsletters, announcements, and drafts or policies or other memos which do not contain personal identifiable information.
 - **Shredding:** Any hardcopy FIT document containing Personally Identifiable Information must be shredded. For example, if a document contains a student's FIT identification number, or an employee's Social Security number, that

document must be shredded. When disposing of such FIT records, the disposer must ensure that no unauthorized person will have access to the personal identifying information contained in the record.

- **Exceptions**

There are exceptions which will require documents and records to be kept longer:

- Records being used in legal actions must be retained for one year after the legal action ends, or until their scheduled retention period has passed, whichever is longer.
- Any record listed in the LGS-1 schedule for which a Freedom of Information Law (FOIL) request has been received should not be destroyed until that request has been answered and until any potential appeal is made and resolved, even if the retention period of the record has passed.
- Records being kept beyond the established retention periods for audit and other related purposes at the request of state or federal agencies must be retained until the college receives the audit report, or the need is satisfied.
- For business purposes as determined by the department head with the approval of the Records Management Officer.

- **Official Copies and Duplicates**

There is only one “official copy” that is kept with the “Office of Record” (as identified in FIT’s Retention Schedules) which is responsible for its retention. Duplicates may be retained in other departments that are not the “Office of Record” and may be destroyed when no longer needed, but duplicates cannot be retained longer than the official copy. Prior to the destruction of duplicates, consult with the “Office of Record” to ensure that staff have the “official copy.”

- **Non-records**

Non-records may be disposed without the disposition-approval process.

- **Electronic Records**

File maintenance of these records requires coordination among the places where they are stored. Desktop applications are designed for communicating information, and transmitting knowledge (such as email). They are not designed for permanent retention of records. Any electronic record that needs to be kept for a retention period longer than eight (8) years should be printed and kept in a paper filing system OR maintained in an electronic format and the equipment needed to read or access the information kept and maintained for the same period of time. Records that are maintained only in electronic format should be named and labeled in a manner that is consistent with the paper filing system used in the department for ease of coordination and cross-referencing. Electronic records should not be saved directly to a desktop or local hard-drive as these are not backed up by the college.

- **Email retention**

Email should be treated like any other electronic record. Records in email that need to be retained should be downloaded to Google Drive or other systems/processes the department uses to retain records. Each email user is responsible for retaining email considered to be a record. Non-record emails should be permanently deleted unless they serve an important administrative value to the employee or are subject to a legal hold. Any email that is kept is subject to a FOIL request or e-Discovery.

- **Historical Records**

Records that have met their retention period, but have historical value should be retained. FIT's Head of Library Special Collections and College Archives will assess the historical value of such records. Records identified as historical will be transferred to the College Archives for permanent retention. In addition, inactive records deemed to have historical value will also be transferred to the College Archives.

- **College Records Storage**

Inactive records may be transferred to the college's records storage if they must be retained for more than seven (7) years, including those that must be maintained permanently, following the transferring of inactive records to storage.

- **Records Related to Websites**

Because websites have replaced many publications and other official communications, they are a significant archival record of the college and its operation. Therefore, all measures should be taken to capture, preserve, and make accessible such records as resources allow.

- **Digitizing records (including, but not limited to, scanning or imaging)**

Digitizing of records must be done in PDF/A (mainly for textual content) or TIFF (mainly for graphic content) format to properly preserve them as records. Generally, once a record has been properly digitized, the paper record may be destroyed (see 'destruction methods') prior to the end of their retention period¹. Departments intending to replace paper records with electronic or imaged copies are required to ensure that:

- The images will accurately and completely reproduce all the information in the records being digitized;
- The digitized records will not be rendered unusable due to changing or proprietary technology before their retention and preservation requirements are met;
- The digitizing system will not permit additions, deletions, or changes to the images without leaving a record of such additions, deletions, or changes; and
- Designees of FIT will be able to authenticate the digitized records by competent testimony or affidavit which shall include the manner or method by which tampering or degradation of the reproduction is prevented.

- **Disaster preparedness/response**

There are vital records that the college must preserve to prevent early destruction due to a disaster (including, but not limited to, fire, flood/water damage, natural disaster, etc.). The college performs regular backups of records in its network to preserve electronic records. Records may not be stored on desktops or local hard-drives. Vital paper records must be properly preserved to prevent early destruction. Contact the RMO to discuss proper preservation of such records. If records are destroyed before they have met their retention due to a disaster, the RMO must be notified immediately.

- **Confidentiality**

Many records contain confidential and/or regulated private data protected by federal, state, and local regulations including, but not limited to, GLBA and FERPA. In addition to the statutory

¹ For agreements, contracts, or other legal documents that have original signatures, contact the RMO before scanning and/or destroying the paper records.

requirements, confidential records must be securely maintained, controlled, and protected to prevent unauthorized access or disclosure. Storage locations must provide appropriate confidentiality and be protected from unauthorized inspection, theft, or physical damage. Confidential records shall be shredded according to the applicable schedule at the end of their appropriate retention period in order to preserve the confidentiality of the documents through their final disposition. Electronic records containing confidential information should be permanently deleted and purged by a means that prohibits reconstruction of the information.

Responsibilities

- **Records Management Officer (“RMO”)**

- Oversees the retention and disposal of the official records of FIT and responds to questions regarding the application of the retention schedule.
- Reviews requests for establishing longer retention periods to authorize and update FIT’s retention schedule.
- Reviews and authorizes records for destruction pursuant to the disposition-approval process.
- Provides training and education on records management.
- Liaison between the college and the New York State Archives (NYSA). Contacts NYSA in regards to establishing retention periods for records not identified in the LGS-1, reporting of early destruction of record due to a disaster (including, but not limited to, fire, flood, or other natural disaster).
- Overseeing and managing the transfer of inactive records to storage.
- Assisting departments through guidance on large record organization projects, including development of standard operating procedure for departmental records management.
- Establishment of an inventory database or record keeping system to track the status of active and inactive records through destruction.
- Serves on the Breach Response Team to assist with mitigating critical breaches of personal information.
- Chairs the Records Advisory Group.

- **Records Advisory Group**

Assists the RMO to guide records management for the college. Includes representatives from: Enrollment Management and Student Success, Human Resource Management and Labor Relations, Academic Affairs, Information Technology, and Library Special Collections and College Archives. This advisory committee advises on records retention matters such as:

- Identifying and prioritizing records management issues;
- Reviewing or recommending records management solutions;
- Providing feedback on records management guidelines and procedures;
- Reviewing records management progress and propose improvements; and
- Providing recommendations on how best to promote the program on campus.

- **Head of Library Special Collections and College Archives**

- Identification and preservation of historical records.
- Oversees and manages the transferring of historical records to the College Archives.
- Keeping the RMO informed of historical records that have been transferred to the College Archives.

- **Office of the General Counsel**

- Authorizes records to be put on legal hold.
- **Department Heads**
 Department heads are the official custodians of the records and responsible for ensuring that everyone in their department or unit is aware of this policy and follows it. They are expected to:
 - Designate or identify a person within the department responsible for managing the department's records;
 - Implement proper records management for their department and monitor adherence to this policy within their department;
 - Follow LGS-1 retention schedule to make decisions regarding the retention and disposition of records;
 - Provide guidance to members of their department in implementing proper records management;
 - Consult with the Records Management Officer on matters related to the retention and disposition of records, including the creation and maintenance of a departmental records inventory, as well as a departmental records management standard operating procedure;
 - Preserve records appropriately so they are not destroyed prior to their retention period;
 - Establish a level of confidentiality and security appropriate to specific types of records (FERPA- and GLBA-protected information – see Principles on Confidentiality) and monitor confidentiality and security; and
 - Inform the Office of the General Counsel of any situation that might give rise to legal action, such as subpoena for records, as soon as the situation becomes apparent.
 - Report any suspected breaches of personal information contained in *physical records* to the RMO. (For more information on Breach Reporting, the Breach Response Team, and FIT's Breach Response Plan, please see FIT's Information Security policy).

Procedures

- **Utilizing the retention schedule**
 The retention schedule pertinent to FIT may be found at <https://myfit.fitnyc.edu/> (under Legal Affairs and Institutional Controls / Policy and Compliance / Record Retention Schedule).
- **Requesting longer retention periods**
 Department heads must contact the RMO to request longer retention periods for their records. The RMO will review each request and will make the final determination regarding establishing a longer retention period for a record.
- **Disposition approval process**
 Contact the RMO prior to the disposition of any records.
- **Inventory of records**
 Contact the RMO to conduct a departmental inventory of records.
- **Transfer of inactive records for storage**
 Once records are no longer active, they should be organized and transferred to inactive records storage. Records need to be organized in accordance with the retention schedule before they can be transferred to storage. Contact the RMO to assist with this process, including providing FIT records storage labels.

- **Transfer of historical records**
Contact the Head of Library Special Collections and College Archives to assess if the department has historical records to be transferred to the College Archives.

Violations

Employees who violate this policy resulting in unauthorized access, disclosure, alteration, or destruction (before they have met retention or without authorization by the RMO) of records, may be subject to appropriate disciplinary action.

Related Policies

- [Email](#)
- [FERPA/Student Records](#)
- [Information Security](#)
- [Intellectual Property](#)
- [Personnel Records](#)
- [Public Access to Records](#)

Related Documents

- FIT Retention Schedules (access by logging in to myfit.fitnyc.edu then go to Legal Affairs and Institutional Controls / Policy and Compliance / Record Retention Schedule)
- [New York State Archives Records Retention and Disposition Schedule LGS-1](#)

Contacts

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