



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vital records; minimize the cost of record retention; ensure the effective use of space; guarantee the disposition of outdated records; and preserve the college's history.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, regardless of 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 Records Retention and Disposition Schedule LGS-1 promulgated by the New York State Archives (NYS Archives), under the Office of Cultural Education, New York State Education Department. 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 currently 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 or received. See Principles for Historical Records for more information on retaining these records outside of the office.
- **College Archives:** The FIT College Archives collects and preserves records of historical value. It provides permanent retention of these records, regardless of format.
- **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.
- **Digitized record:** A document or information originally in paper form that has been converted into a digital format.
- **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 document, file, or data stored in electronic formats such as text documents, spreadsheets, emails, databases, scanned or imaged documents, images, videos, and any information that is created, received, or maintained by the college using electronic devices and systems. These records may be stored on a computer, server, or mainframe storage device or medium, or on any external or off-site storage medium, hosted on cloud infrastructure or services, 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:** The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law that protects the privacy of information contained in students' education records. The act applies to all educational institutions that receive federal funds. For more information, see FIT's FERPA 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.
- **Fiscal year (FY):** The college's fiscal year, which is from July 1 through June 30.
- **FIT retention schedule:** LGS-1 retention schedule (defined below) customized for FIT organized by division and department and that is specific to FIT records. May contain longer retention periods than noted on the LGS-1 (for more information, see Principles for Retention Schedules).
- **Freedom of Information Law:** Public Officers Law, Article 6 - NY's Freedom of Information Law (FOIL) - provides the public with access to public records maintained by governmental and other public entities 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 administering student financial aid authorized under Title IV of the Higher Education Act of 1965. The law requires that institutions of higher education, among other requirements, protect against any anticipated threats or hazards to the security or integrity of student information, and protect against unauthorized access to, or use of, such information that could result in substantial harm or inconvenience to any student.
- **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 with no current use for the department that generated or received it, and that has not yet reached the end of its retention period.
- **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, administrative proceeding, 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 matter in which action is being taken).
- **Office of Record:** The unit, department, or division designated as having responsibility for retention and timely destruction of particular types of 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.

- **Personally Identifiable Information (PII):** A person's full name, signature or personal mark, or other information that can be used on its own to identify the person, together with at least one of the person's data elements: 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 documented information regardless of format, 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. These records serve as evidence of the college's transactions, decisions, and operations and are subject to specific guidelines for their proper management, retention, and eventual disposal following legal, regulatory, and operational requirements. This definition encompasses recorded information in all formats and media including, but not limited to emails, records stored on computer hard/shared/network drives/cloud, 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 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 Retention and Disposition Schedule for New York Local Government Records (LGS-1) is a single, comprehensive retention schedule covering categories of records and the length of time they should be kept. Many of the schedule items are broad and describe the purpose or function of records rather than identifying individual documents and forms.
- **Vital records:** 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 are 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 following college policies and being in compliance with applicable federal and state laws. The same safeguards and controls over information stored electronically apply to information created and maintained in paper form.

- **Retention Schedule**

FIT adheres to the LGS-1 retention schedule. Retention schedules specific to each department are available on FIT's employee portal/MyFIT. 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 RMO, and the Office of the General Counsel.

Justifications for establishing longer retention periods include:

- governmental or professional organization regulation or requirement - a law that specifically dictates that a particular record requires a longer retention period;
- operational necessity - records requiring longer retention periods because of certain departmental or college processes;
- legal compliance or risk management - extended retention periods may be justified when records serve to mitigate risks, such as legal disputes, audits, or regulatory investigations; and
- historical or research significance - records with historical or research significance may need to be retained for longer periods.

- **Records Disposal**

Unless records have been defined as "permanent" or "historical," they must be destroyed according to the FIT retention schedule. Records may not be disposed of without prior approval by the RMO.

Disposition should be performed on an annual basis, at minimum. Once documents or records have exceeded their stated minimum retention period, they must be disposed of following the college's disposition approval process.

If a record is not listed on the FIT retention schedule, its disposition is still subject to prior approval by the RMO. The RMO will determine the appropriate retention for the record, considering federal, state, or other relevant requirements, and update FIT's retention schedule accordingly.

- **Exceptions**

There are exceptions which will require 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 FIT retention 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 RMO.

- **Destruction Methods:**

- **Paper**

- **Recycling:** Generally appropriate for all non-confidential/non-sensitive 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 personally 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 personally identifying information contained in the record.

- **Electronic**

- Non-confidential electronic records may be deleted with simple file or email delete commands.
 - Confidential electronic records must be securely disposed of. Extra steps may be needed to ensure that the records are completely destroyed.
 - IT ensures that any reusable hardware (laptops/desktops) are securely disposed of by overwriting the record or by physically destroying the media on which the record is stored.

- **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.

- **Non-records**

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

- **Electronic Records**

Any electronic record that needs to be kept for a retention period longer than eight (8) years should be maintained in an electronic format and the equipment needed to read or access the information kept and maintained for the same period of time.

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. 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**

Official FIT business should be conducted using only FIT email. Email is not intended for record-keeping and should not be used for record-keeping purposes. Email should be treated like any other electronic record. Records in an email that need to be retained should be downloaded and saved to an approved electronic storage location, or other processes the department uses to retain records should be followed.

Each email user is responsible for retaining any email considered to be a record. Non-record emails should be permanently deleted unless they provide 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 following the transferring of inactive records to storage procedure. Records eligible for storage include:

- records noted on the department's retention schedule;
- records with a specified retention period beyond immediate business use;
- records that are not classified as information or convenience records; and
- records that only exist in hard copy.

- **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 operations. 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 carried out in PDF/A (mainly for textual content) or TIFF (mainly for graphic content) format to ensure proper preservation in accordance with NYS Archives requirements.

Once a record has been properly digitized, as per the established guidelines, the paper record may be considered for destruction (refer to 'destruction methods') before reaching the end of its retention period¹. The destruction of paper records that have been digitized can only occur upon approval by the RMO and must adhere to the requirements specified for proper scanning. Departments intending to replace paper records with digitized copies are obligated to confirm the following:

- The digitized records accurately and completely reproduce all the information present in the original records.
- The digitized records will remain usable throughout their retention and preservation period, unaffected by changing or proprietary technology.
- The digitizing system will prevent unauthorized additions, deletions, or changes to the images, leaving a clear record of any modifications.
- Designees of FIT will be able to authenticate the digitized records through competent testimony or affidavit, outlining the method used to prevent tampering or degradation of the reproduction.

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

To institute ongoing destruction of specific record types, departments must seek authorization from the RMO, ensuring continued compliance with the established scanning requirements and overall Records Retention and Disposition policy.

- **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 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 in hard copy 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. (For more information, review the Principles for Records Destruction.)

Responsibilities

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

- Overall responsibility for ensuring the college complies with NYS Archives records management requirements and guidelines.
- Assists with inventorying office/department files and analyzing office record-keeping systems.
- Develops records retention schedules in conjunction with department staff and monitor the maintenance of and compliance with those schedules.
- 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 NYS Archives . Contacts NYS Archives in regards to establishing retention periods for records not identified in the LGS-1, reporting of early destruction of records due to a disaster (including, but not limited to, fire, flood, or other natural disaster).
- Manages and operates the College Records Storage, overseeing the transfer of inactive records and retrieving records upon request of the depositing department.

- Arranges for destruction of records stored in the College Records Storage according to approved retention schedules and only with the consent of the depositing department, and the pertinent dean, director, or vice president.
 - Provides guidance to departments on large record organization projects, including development of standard operating procedures for departmental records management.
 - Assists in the preparation for and protection of college records in the event of a disaster.
 - Chairs the Records Advisory Group.
- **Records Advisory Group**
Assists the RMO to guide records management for the college. Includes representatives from: Center for Continuing and Professional Studies, Communications and External Relations, Enrollment Management and Student Success, Human Resource Management and Labor Relations, Academic Affairs, Information Technology, Library Special Collections and College Archives, School of Art and Design, School of Business and Technology, School of Liberal Arts, and School of Graduate Studies. 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.
 - Approves recommendations from RMO to establish longer retention periods as required.
- **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 FIT's 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 RMO on matters related to the retention and disposition of records, including departmental records management standard operating procedures;
 - Ensure that records under the control of departing employees are turned over to an appropriate successor or official to permit continued preservation of the department's college records;

- Preserve records appropriately so they are not destroyed prior to their retention period; and
 - 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.
- **All Employees**
 - Follow their department’s records management processes.
 - When an employee leaves a position, all records under the control of that employee must be managed by the department head, and reassigned, as appropriate.

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, in collaboration with the General Counsel, will make the final determination regarding establishing a longer retention period for a record.
- **Disposition Approval Process**
Disposition of any record is subject to prior approval from the RMO. Contact the RMO prior to the disposition of any records, including paper records that have been digitized. Additionally, for ongoing destruction of paper records to be digitized, departments must obtain authorization from the RMO, ensuring compliance with scanning requirements and policy guidelines.
- **Inventory of Records**
Contact the RMO to conduct a departmental inventory of records.
- **Transfer of Inactive Records to 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 ascertain if there are historical records that should be moved to be the College Archives.

Violations

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

Related Policies

- [Email](#)
- [FERPA](#)
- [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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