

Record Retention Policy

(Adopted June 2014; revised July 2017)

The Local Records Act (50 ILCS 205) regulates the preservation or disposal of the public records of all units of local government in Illinois. The law's purpose is to maintain a mechanism for the retention of those records that are necessary for the proper functioning of government, the destruction of obsolete and valueless records, and the archival preservation of those records that have long-term research values but are not necessary for the routine operations of local government. By disposing of useless records and by preserving archival materials, valuable storage space can be freed for the ever-increasing quantities of current records, which are vital for the daily business of local officials.

Records management legislation is designed to promote efficiency and economy in the recordkeeping practices of local government. In Illinois, no public record may be disposed of without the approval of the appropriate records commission. The Records Management Section of the Illinois State Archives is responsible for assisting state and local government agencies with the disposal of records.

What is a public record under the "Local Records Act"?

"Public record" means any book, paper, map, photograph or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of public record.

(Source: P.A. 89-272, eff. 8-10-95.)

Are faxes, videos, emails, and instant messages, etc. considered records?

If the information contained in the fax, email or instant message or the information recorded on the DVD, CD, video, or cassette tape fits the definition above, it is a public record subject to the provisions of the "Local Records Act" regardless of the media the data is maintained in.

We no longer maintain records simply on paper or on microfilm. Data can be stored on many types of media including cassette tapes, magnetic tapes, floppy disks, hard drives, CDs, DVDs, etc.

Effective January 1, 2001, the Local Records Act (50 ILCS 205) was amended to allow local government agencies to reproduce existing public records in a digitized electronic format with the intent to dispose of the original records. This practice is only allowable if the electronic records are reproduced on a "durable medium that accurately and legibly reproduces the original record in all details," and "that does not permit additions, deletions, or changes to the original document images."

In addition, the digital records must be "retained in a trustworthy manner so that the records, and the information contained in the records, are accessible and usable for subsequent reference at all times while the information must be retained."

Each agency is also under the obligation to file a *Records Disposal Certificate* with the appropriate Local Records Commission before any original record may be disposed of and before the reproduced digital record is disposed of.

How can records be legally disposed of?

1. Each agency must submit an *Application for Authority to Dispose of Local Records* to the appropriate Local Records Commission prior to the destruction of any record.
2. A Local Records Unite field representative from the Illinois State Archives will inventory your agency's records for you at no charge to the agency and submit the *Application* to the Commission for your agency.
3. After the Local Records Commission has approved the *Application* it will become your agency's Records Retention Schedule.
4. Records can then be disposed of after the minimum retention period listed for each record series is met, provided no litigation is pending or anticipated and all audit requirements (local, state, and federal) have been met, and after a Local Records Disposal Certificate has been submitted to and approved by the appropriate Local Records Commission .
5. A Local Records field representative can prepare your first Local Records Disposal Certificate for you at no charge and explain the procedures for preparing the Disposal Certificate.
6. Disposal Certificates must be submitted to the Local Records Commission authorizing the destruction at least sixty (60) days before the date the agency wishes to dispose of the records per Section 4000.40 of the Illinois Administrative Code.
7. If you already have a schedule and need assistance in completing the disposal certificate, need to have additional records series added to your current application, or need a new application, please call our office at (217) 782-1080 to have an appointment scheduled with a field representative.
8. If you intend to microfilm your records, the Local Records Commission has established standards for microfilming. Copies of the standards for microfilm can be found on our Web site. If you do not have access to the Internet and need copies of the regulations, please call our office at (217) 782-7075 and ask to have copies mailed to your office.

9. Under 720 ILCS 5/32-8. Tampering with public records. A person who knowingly and without lawful authority alters, destroys defaces, removes or conceals any public records commits a Class 4 felony. (Source: P. A. 77-2638.)

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