

## Applying Existing Disposition Orders

Effective Date: August 1, 2008

(Procedure VSARA00001)

### I. OVERVIEW/DESCRIPTION

Disposition orders were issued to public agencies between the years 1938 and 2004 for the destruction or microfilming of records. Pursuant to Act 96 of 2008, the disposition order system was discontinued and replaced by a record scheduling system.

Some public agencies may wish to continue apply existing disposition orders to their records. Existing disposition orders may be applied; however, such agencies are responsible for determining whether the existing disposition order accurately describes the records and meets current administrative and legal requirements. The Vermont State Archives and Records Administration (VSARA) is limited in its ability to assist agencies in applying existing disposition orders to their records.

This procedure provides guidelines for applying existing disposition orders to an agency or department's records. Public agencies wishing to establish a new disposition order or modify an existing disposition order will be transitioned to the new record scheduling system and should see *Procedure VSARA0002: Requesting a New or Modified Disposition Order*.

### II. AREAS OF RESPONSIBILITY

*Agency/Department Head:* Establishes, maintains, and implements an active and continuing records program that includes an accurate inventory of all records and justifiable retention periods for all records (3 V.S.A. § 218).

*Records Analyst:* Identifies, classifies, and analyses records, regardless of their physical form or characteristics, to determine their value and ultimate disposition.

*Records Officer:* Manages, preserves, and disposes of records, regardless of their physical form or characteristics, for which the agency head is responsible.

*State Archivist:* Administers and implements a State records management program in accordance with professional records and information management practices and principles.

### III. PROCEDURE STEPS/CHECKLIST

#### A. Records Officer

1. Maintains an up-to-date listing of all records created or received by the agency/department and all disposition orders issued to the agency/department or its predecessors.
2. Reviews existing disposition order to verify that order is consistent with the agency/department's records:
  - i. Format(s);
  - ii. State and Federal laws and regulations; and
  - iii. Administrative need and use
3. Submits in writing (e.g. memo submitted by e-mail or regular mail) to records analyst any questions concerning existing disposition orders and their applicability to agency/department records.
4. Reviews analyst's findings and recommendations (if provided). If the records officer decides to proceed with applying the existing order to agency/department records, the officer will do the following:
  - i. Prepare an internal policy and procedure documenting the applicability of the existing disposition order to the agency/department's records and how the order is being applied.
  - ii. Notify the records analyst that the order is being applied

#### B. Records Analyst

1. Acknowledges receipt of request and places request in review queue. (*Please note:* agencies participating in the Targeted Assistance Program are given priority in the review queue but requests for existing disposition orders will be entered in the next available slot).
2. Locates existing disposition order and any additional records maintained by the former Division of Public Records about the order and its issuance.
3. Provides records officer with information about the order pursuant to the question(s) submitted along with any recommendations, if applicable.
4. Marks the order as active upon receiving notice that the records officer is applying the disposition order to agency/department records.

#### C. State Archivist

1. Reviews disposition order and additional records upon request by the records analyst, if review is requested.

2. Submits recommendations to the records analyst, if applicable.

D. Agency/Department Head

1. Implements the disposition order within the agency or department.

**IV. DEFINITIONS**

*Disposition Order:* Orders authorizing the destruction or microfilming of records (22 V.S.A. § 454. repealed by Act 96 of 2008).

*Public Agency:* Any agency, board, department, commission, committee, branch, instrumentality, or authority of the state or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the state (1 V.S.A. § 317).

**V. GETTING HELP**

The Vermont State Archives and Records Administration (VSARA) provides records training, assistance and services to public agencies.

<i><b>If you need help with....</b></i>	<i><b>Contact....</b></i>
...locating existing disposition orders	Records Analysis and Policy Development Unit <a href="mailto:rim@sec.state.vt.us">rim@sec.state.vt.us</a>
...locating records stored at the State Records Center	State Records Center Supervisor <a href="mailto:recordscenter@sec.state.vt.us">recordscenter@sec.state.vt.us</a>

**VI. APPLICABILITY AND AUTHORITY**

This procedure for is applying existing disposition orders and pertains to all Vermont public agencies as defined by 1 V.S.A. § 317.

This is a new procedure and therefore supersedes any State of Vermont practices in existence prior to its effective date.

The Vermont State Archivist is the statutory authority for records retention and for this procedure on applying existing disposition orders. This procedure was reviewed and approved by the Vermont State Archivist on July 31, 2008. It was revised on October 12, 2010. The next review date is October 2012.

## VII. REFERENCES

*Act 96 of 2008:*

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/acts/ACT096.HTM>

*Vermont Statutes Annotated:* <http://www.leg.state.vt.us/statutes/statutes2.htm>

*Vermont. Public Records Division.* Record Series PRA-326: Disposition Orders, 1938-2004.

### REVISION HISTORY

2010-10-12 Updated contact information in "Getting Help" section