



Vermont State Archives and Records Administration

Office of the Secretary of State

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Requesting or Releasing a Retention or Legal Hold for Records Stored in the State Records Center

Procedure VSARA0009 Effective Date: January 12, 2010

I. PURPOSE

This procedure establishes the policy and process for requesting and releasing a retention or legal hold to suspend the destruction of records stored in the State Records Center due to on-going or pending litigation, investigation, claim, negotiation, audit, or other extenuating circumstance.

II. AFFECTED PARTIES

This procedure applies to:

1. Records Officers and Records Liaisons

III. POLICY

Pursuant to 3 V.S.A. § 117, the Vermont State Archives and Records Administration (VSARA) maintains a record center to hold inactive records in accordance with records schedules approved by the State Archivist.

It is the policy of VSARA to:

1. Dispose of records stored in the State Records Center that have met their retention requirements, unless there is an approved retention or legal hold in place.
2. Require agencies that wish to place a retention or legal hold on records stored in the State Records Center to obtain approval from a records analyst acting on behalf of the State Archivist.
3. Approve requests for retention or legal holds on records related to pending or current litigation, audit, or investigation. Other requests may be approved contingent on justifiable need and on conditions specified by the assigned records analyst.
4. Release holds on records when requested to do so in writing by the appropriate records officer or records liaison.

IV. DEFINITIONS

Box Transfer List – Form VSARA-05 is used for transferring boxes to the State Records Center. The form lists the number assigned to each box and a description of its contents.

Disposition Order – A records retention policy approved by the Public Records Advisory Board (PRAB), the Commissioner of Buildings and General Services, the Director of the former Public Records Division, the Secretary of Administration, or the Public Records Commission between the years of 1938 and 2004.

Record Schedule – A manual, directive, or policy containing descriptions of and disposition instructions for retention, access, and management of all public records or public documents that has been approved by the State Archivist.

Record Series – A group of similar records that are arranged according to a filing system and that are related as the result of being created, received, or used in the same activity.

Records Disposition Notification Report – A monthly report from the State Records Center listing boxes eligible for destruction after the last day of the month.

Retention or Legal Hold – Suspending the destruction of records due to on-going or pending litigation, investigation, claim, negotiation, audit, or other extenuating circumstance.

V. RESPONSIBILITIES

- A. The **Records Officer or Records Liaison** shall identify records for which a retention or legal hold is needed, submit requests for retention or legal holds, review existing retention or legal holds, and notify VSARA when a retention or legal hold may be released.

VI. PROCEDURE

Records Officer or Records Liaison

Requesting a Retention or Legal Hold

1. Identify the specific box or boxes in the State Records Center for which a retention or legal hold is needed due to on-going or pending litigation, investigation, claim, negotiation, audit, or other extenuating circumstance.
2. Submit form [VSARA-20: Retention or Legal Hold Request](#) to the Vermont State Archives and Records Administration (VSARA) by email to rim@sec.state.vt.us or by mail or fax to the contact information listed on the header of this procedure. Requests not submitted by a records officer or records liaison will not be accepted.

- **IMPORTANT:** If the selected boxes appeared on a Records Disposition Notification Report, your request must be received before the last day of the month in which the records are eligible destruction.
- A records analyst may contact you for additional information, if necessary.
- You will receive written notification when a decision has been made.

Releasing a Retention or Legal Hold

1. Identify the specific box or boxes in the State Records Center for which a retention or legal hold is no longer needed.
 2. Submit a written request to VSARA by email to rim@sec.state.vt.us or by mail or fax to the contact information listed on the header of this procedure. Requests not submitted by a records officer or records liaison will not be accepted.
- A records analyst will contact you in writing to confirm that the hold is released.
 - No later than May 15 of each year, Records Officers will receive an annual report of boxes on hold.

VII. REVISION HISTORY

This procedure supersedes any State of Vermont practices in existence prior to its effective date. All earlier revisions of this document are superseded by this revision.

The Vermont State Archivist reviewed and approved this procedure on January 12, 2010. This procedure was revised in April 2011. The next review date is April 2012.

Date	Revision #	Modification
2011-04-27	1.2	Removed references to Records Management Auditor; included phrase "legal hold" when referencing retention holds; and added on-going or pending claim and negotiation as reasons to suspend destruction.
2010-04-13	1.1	Added information about Records Disposition Notification Reports.
2010-01-12	1.0	New procedure.