11. Records Management and Retention

11.1 Policy Statement on Records Management and Retention

The University of Texas of the Permian Basin recognizes the need for orderly management and retrieval of all official records and a documented records retention and destruction schedule congruent with all state and federal laws and regulations.

Duplicate files, duplicate copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official records or record copies. Duplicates or non-record copies should be destroyed when they cease to be useful.

The Chancellor of The University of Texas System has designated the Vice President for Business Affairs at each component institution as the custodian of records for purposes of compliance with the Texas Open Records Act (*Texas Government Code*, Section 552.003). The Vice President for Business Affairs is also the custodian of records for purposes of implementing the attached Retention and Destruction Schedule in compliance with state law governing disposition of records (*Texas Government Code*, Section 441.037).

All records will be retained for the minimum periods stated in the Retention Schedule, which is found in the Business Office. Notwithstanding such minimum retention periods, all records must be maintained until all required audits are completed and should be kept beyond the listed retention periods when there is a probability of litigation either involving the records or requiring their use. Documents may also be maintained for the prescribed minimum retention periods in microform if the microform reproduction is accomplished pursuant to the procedure that complies with state law (*Texas Government Code*, Section 441.038).

Vital Records or records which are necessary for the continuation of the institution's operation following a disaster will be identified and protected. Historical records will be preserved in the archives of the institution.

11.2 Destruction of Records

Form RMD 102 (Request for Authority to Dispose of Public Records) published by the Texas State Library must be completed and submitted to the Records Services Department of the Texas State Library in order to obtain the approval of the State Auditor and the Director of the Texas State Library for the destruction of the public records. Additionally, form RMD 102 must be completed and approval obtained before original records can be destroyed following microfilming.

11.3 Release of Information Under the Texas Public Information Act

11.31 Policy

All requests for records must be forwarded to the Vice President for Business Affairs or his/her designee within twenty-four (24) hours of receipt.

11.32 General Information

All information collected, assembled or maintained by or for a governmental body, including U.T. Permian Basin, in the course of its official business is public information subject to disclosure under the provisions of the Texas Public Information Act, unless information falls within the Act's specified exceptions. Under the Act, the failure of good faith compliance with its disclosure and/or withholding requirements can result in civil and criminal penalties. Medical records and the information therein are not, as a general rule, public information.

11.33 Custodian of Records

The Vice President for Business Affairs at U. T. Permian Basin is the designated custodian of records at U. T. Permian Basin.

11.34 Authority

The Vice President for Business Affairs or his/her designee has the exclusive authority to release any records (see Procedures, page VI-15).

11.35 Form of Request

All requests to view or copy U. T. Permian Basin public information must be in writing and should be addressed to the Vice President for Business Affairs. U. T. Permian Basin does not accept or respond to oral requests. If an oral request is received, the requesting party should be directed to address the request in writing to the Vice President for Business Affairs.

Note: A written request received but not addressed specifically to the Vice President for Business Affairs is still valid and remains subject to a ten (10) day time limit (from the date of receipt) for U. T. Permian Basin to seek an Attorney General opinion on disclosure

11.36 Vice President for Business Affairs

The Vice President for Business Affairs is responsible for:

Within forty-eight (48) hours of receipt of the written request, the Vice President for Business Affairs or his/her designee will make a decision whether to withhold or disclose records. When it is unquestionably clear that the Texas Public Information Act requires release of the requested records, the Vice President for Business Affairs will fill the request, notifying the Chief Administrative Officer as appropriate.

Consulting with the Office of General Counsel for The U. T. System, whether the records in question should be withheld or released.

Assisting the Office of General Counsel in preparing requests for Attorney General opinions within the ten-day time frame when the component wishes to deny release of records and the Office of General Counsel determines that there is no prior determination by the courts or the Attorney General that the records are the type that fall within the claimed exception to the Act.

Reviewing all responses or releases of information and submitting the same to the President or designee for approval following appropriate consultation with the Office of General Counsel, and the Vice Chancellor for Business Affairs in the case of multiple component responses.

11.37 Procedures

Upon receipt of a written request, the following action should be taken:

Date stamp the original written request and hand-deliver within twenty-four (24) hours of receipt, to the Vice President for Business Affairs, indicating that the delivery is a Texas Public Information request.

11.4 Coordination with The U. T. System Records Management Office

The U. T. System Records Management Office Staff will coordinate the establishment of records programs at components, and staff members will be available to assist component staff members assigned records management responsibilities.

The U. T. System Records Management will act as a clearinghouse for collection of records retention schedules to be submitted to the director of the Records Management Division of the Texas State Library in compliance with Texas Government Code, Section 441.0