

TITLE 430 - STATE RECORDS ADMINISTRATOR

Chapter 5 - DISPOSITION OF RECORDS AND NONRECORD MATERIAL

001 Protection of Records. All records made or received by or under the authority of, or coming into the custody, control or possession of public officials and agencies in any of the branches of state government or any local political subdivision, in the course of their public duties, are the property of the government concerned, and shall not be mutilated, destroyed, transferred, removed, damaged, or otherwise disposed of, in whole or in part; except as provided by law.

002 Disposal of Records Not Listed on an Approved Records Retention and Disposition Schedule.

002.01 Whenever any agency wants to destroy or otherwise dispose of records in its custody or under its control which are not listed on an approved records retention and disposition schedule applicable to that agency, the agency head shall prepare and submit to the Administrator, on forms provided by the Administrator, a descriptive list of records sought to be destroyed or otherwise disposed of, and a request for the approval of such destruction or disposition.

002.02 Such list and request shall be referred to the Board for action at its next regular or special session

002.03 The State Archivist shall review each such request, and if the State Archivist shall determine that the records are of archival or historical significance, they shall be governed by all statutes and rules affecting the disposition of archival and historical material.

002.04 On consideration of the list and request for disposal of records, the Board may approve such disposition thereof as may be legal and proper, or may refuse to approve any disposition, and the records as to which such determination has been made may then be destroyed or otherwise disposed of in accordance with the approval of the Board.

002.05 If any records shall be determined to be of archival or historical :significance, no disposition of such records, except by transfer to the State Archives, shall be allowed without the written consent of the State Archivist and the Administrator.

002.06 All authorizations for the disposal or destruction of records not listed on an approved records retention and disposition schedule, shall carry the signatures of the Administrator, the Director of Records Management, and the State Archivist, or their designated representatives. A notation of the Board action and the date it was taken shall be made on the authorization form and signed by the Administrator on behalf of the Board.

002.07 The agency head shall inform the Administrator when any authorized disposition of records has been completed.

003 Disposal of Records Listed on an Approved Records Retention and Disposition Schedule

003.01 All state agency heads and all local agency heads are authorized to dispose of the records of their agencies in accordance with records retention and disposition schedules which are applicable to their agencies if such schedules have been approved by the Administrator pursuant to law. No additional authorization to dispose of records is required if such disposition is in accordance with such approved records retention and disposition schedules.

003.02 When any records are disposed of in accordance with an approved records retention and disposition schedule, the agency head shall report such records disposition to the Administrator on forms provided by the Administrator.

003.03 When any agency head wants to dispose of records which are listed on an approved records retention and disposition schedule, but the desired disposition is not in accordance with such approved schedule, the agency head shall request approval of such disposition in accordance with the laws and the rules governing the disposition of records which are not listed on an approved records retention and disposition schedule.

003.04 Nothing in these rules shall be construed so as to prevent the transfer of state records to facilities provided by the Administrator for the storage and service of state records, and nothing in these rules shall be construed so as to prevent the transfer of any records of historical or archival interest to the State Archives for permanent preservation.

004 Disposal of Nonrecord Material

004.01 If not otherwise prohibited by law, nonrecord materials, not included within the definition of records as contained in section 84-1202, R.R.S. 1943, may be destroyed at any time by the agency in possession thereof, without the prior approval of the Administrator or the Board.

004.02 The following materials are declared to be nonrecord material:

004.02A Library or museum material made or acquired and preserved solely for reference or exhibition purposes;

004.02B Extra copies of documents preserved only for convenience or reference;

004.02C Stocks of publications, reproduced documents, or other printed materials preserved for supply purposes;

004.02D Extra copies of circulated materials of which official copies have been retained for purposes of record;

004.02E Reading files and followup correspondence copies;

004.02F Identical or carbon copies of documents maintained in the same file, including any method of duplication;

004.02G Draft copies or work copies of documents for which the final version has been completed;

004.02H Letters of transmittal that add nothing to the transmitted information;

004.02I Inter-office memoranda;

004.02J Shorthand notes, stenotype tapes, or sound recordings after they have been transcribed;

004.02K Internal housekeeping materials.

004.03 Nothing in this rule shall be construed to mean that materials which have been declared to be nonrecord materials are devoid of historical value. The Nebraska State Historical Society shall remain the custodian of any such materials which the society may consider to be of historical value, pursuant to the statutes which govern such material.

004.04 Any questions or requests for determinations concerning the historical value of any nonrecord materials, shall be directed to the Nebraska State Historical Society and not to the Board nor to the Administrator.

