UCCRC

Ulster County Capital Resource Corporation

RECORD RETENTION POLICY

RESOLVED, By the Ulster County Capital Resource Corporation of Ulster County, NY that the *Records Retention and Schedule MI-1*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Records Retention and Disposition Schedule MI-1* after they have met the minimum retention periods described there in;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Schedule MI-1: Economic/Industrial Development

*1.[137]	**Business/industry loan case file,** including but not limited to loan application and evaluation, status reports, records of loan payments, tax abatement and exemption records, feasibility studies and correspondence:	**PERMANENT**
2.[138]	**Master summary record** (log or register) documenting contacts and inquiries and resulting responses and actions taken by the corporation personnel:	**PERMANENT**

Basic Administrative Records

1.[129]	**Organizational and establishment records**, including constitution, bylaws and approval of organization and administration by Ulster County, NY:	**PERMANENT**
2.[130]	**List of members, "enrollment" or equivalent record:**	**PERMANENT**
3.[131]	**Lists of board members, officers, agents and employees** (known as "organization reports"):	**PERMANENT**
4.[132]	**Election records**	
	a. Election results:	**PERMANENT**
	b. Ballots, nominations, tabulations and other election records:	1 year after election
6.[134]	**Program or other non-fiscal audit or review** conducted by oversight corporation	
	a. Report and recommendations:	
	b. Background materials and supporting documentation:	**PERMANENT**
*7.[601]	**Copies of exempt organization income tax records**, including all records generated to assist in filing income tax returns, and copy of filed tax return:	**PERMANENT**

SUBJECT: UCCRC *Records Retention and Disposition Schedule MI-1*

PURPOSE: To explain requirements associated with maintaining records, effective _____. This is in effect until revoked or amended.

Once the MI-1 Schedule has been formally adopted valueless records may be disposed of continually as they meet their stated minimum retention periods. Some of the advantages of a program for systematic, legal disposal of obsolete records are that it ensures that records are retained as long as they are actually needed for administrative, fiscal, legal, or research purposes.

Suggestions for systematically approaching the disposition process include the following:

(A) designate a Records Management Officer to coordinate or directly carry out disposition.

(B) Disposition should be carried out regularly, at least once a year. Duplicate copies of records, including copies maintained on different media (paper, electronic, etc.), may be disposed of in accordance with item no. 19 of the General section of this Schedule.

(C) State law does not prescribe the physical means of destruction of most records. For records containing confidential information, disposition should be carried out in a way that ensures that the confidentiality of individuals named in the records is protected.

(D) A record should be kept of the identity, inclusive dates, and approximate quantity of records that are disposed.

(E) The Records Management Officer, or other official who carries out disposition, should describe what has been done to dispose of records during the year in an annual report to the governing body.

For more information contact the New York State Archives, part of the Office of Cultural Education, an office of the New York State Education Department.

Reminders

1. Records created before 1910 (even those which have been microfilmed) are not eligible for disposition without written permission from the State Archives.

2. No records may be disposed of unless they are listed on this Schedule, or their disposition is covered by other state laws.

3. Records common to most offices are listed under the General section of the Schedule.

4. Records being used in legal actions must be retained for one year after the legal action ends, or until their scheduled retention period has passed, whichever is longer.

5. Any record listed in this Schedule for which a Freedom of Information (FOIL) request has been received should not be destroyed until that request has been answered and until any potential appeal is made and resolved, even if the retention period of the record has passed. See attached Ulster County Capital Resource Corporation Access to Corporation Records policy for information on accessing UCCRC records.

6. Records being kept beyond the established retention periods for audit and other purposes at the request of state or federal agencies must be retained until the local government receives the audit report, or the need is satisfied.

7. Retention periods on this Schedule apply to one "official" copy designated by the local government, unless otherwise stated.

8. The retention periods listed on this Schedule pertain to the information contained in records, regardless of physical form or characteristic (paper, microfilm, computer disk or tape, or other medium).

9. The State Archives has no legal authority to require local governments to create records where no records exist, even if the records in question are listed on this Schedule.

10. The Budget, Payroll and Purchasing sections are now subsections of the Fiscal section. The Planning and Zoning sections are now subsections of the Building and Property Regulation section. Radiological Health records have been moved from the Environmental Health section to the Public Health section. New sections have been added to cover records of Educational Opportunity Centers and Heritage Areas (Urban Cultural Parks).

11. The State Archives cannot identify all record series with historical significance for individual local governments. Local officials will need to appraise records with nonpermanent retention periods for potential research or historical value before destroying them.

12. Certain records may need to be retained for one year longer than *Schedule MI-1* dictates if those records are subject to the requirements stated in Section 29.2 of *8NYCRR* for health professionals, other than physicians, employed by or associated with local governments.

13. The Local Government Records Law and *Schedule MI-1* do not address confidentiality of records. Confidentiality of records is often dependent upon what information they contain. Local officials should address such questions to the

Committee on Open Government, their own counsels, or other state or federal agency having oversight of the records in question.

ULSTER COUNTY CAPITAL RESOURCE CORPORATION (THE "CORPORATION") ACCESS TO CORPORATION RECORDS

SECTION 1. PURPOSE AND SCOPE. Article 6 of the Public Officers Law (the "Freedom of Information Law") contains various provisions providing that, with certain exceptions, records maintained by state and local governmental entities are available for public inspection. The purpose of this Policy is to set forth procedures to implement the Freedom of Information Law as it applies to records maintained by the Ulster County Capital Resource Corporation (the "Corporation").

SECTION 2. DEFINITIONS. All words and terms used herein and defined in the Freedom of Information Law shall have the meanings assigned to them in the Act, unless otherwise defined herein or unless the context or use indicates another meaning or intent. The following words and terms used herein shall have the respective meanings set forth below, unless the context or use indicates another meaning or intent: "Privacy Law" shall mean the personal privacy protection act, being Article 6-A of the Public Officers Law.

SECTION 3. GENERAL RULE. (A) Maintenance of Records. The Corporation shall maintain:
(1) a record of the final vote of each member in every Corporation proceeding;
(2) a record setting forth the name, public office address, title and salary of every officer or employee of the Corporation;
(3) a current list, by subject matter, of all records in the possession of the Corporation, sufficiently detailed to permit identification of the category of the record sought, whether or not available pursuant to the Freedom of Information Law. This list shall be updated not less than twice per year.
(B) Access to Records. The Corporation shall, in accordance with this Policy and the regulations of the Committee on Public Access to Records (21 NYCRR Part 1401), furnish to the public the records required by the Freedom of Information Law.
(C) No Requirement to Prepare Records. Except as otherwise provided in subsection (A) of this section, nothing in this Policy shall be construed to require the Corporation to prepare any record not possessed or maintained by the Corporation.
(D) Application to Computer Records. The term "record" is defined to include all information kept, held, filed, produced or reproduced by, with or for the Corporation, in any physical form whatsoever. Therefore, the Freedom of Information Law clearly applies to government records generated, received, or maintained electronically.

SECTION 4. RECORDS ACCESS OFFICER. (A) Designation of Records Access Officer. The Chief Executive Officer of the Corporation, or in the absence of such officer, the Secretary of the Corporation shall be the records access officer of the Corporation. The business address of the Records Access Officer of the Corporation is c/o the

offices of the Corporation located at 130 North Front Street, Suite 4, Kingston, NY 12401.

Re – affirmed: January 19, 2022