

 <p style="text-align: center;">Massachusetts Department of Correction</p> <h1 style="text-align: center;">POLICY</h1>	Effective Date  1/16/2024	Responsible Division  General Counsel	
	Annual Review Date  1/16/2024		
Policy Name  <p style="text-align: center;">103 DOC 158 DISPOSAL OF OUTDATED DOCUMENTS</p>	M.G.L. Reference: M.G.L. c. 124, §§1(c) and (q), and M.G.L. c. 30, §42.		
	DOC Policy Reference:		
	ACA/PREA Standards:		
Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Inmate Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability:   Staff	
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department Central Policy File Each Superintendent/Institution Policy File Inmate Policy Manual	
<p><b>PURPOSE:</b> To establish internal guidelines for the disposal of documents created in the course of official Department of Correction (Department) business. These guidelines are intended as a useful management tool in reducing or eliminating unnecessary storage of documents where storage space is limited. These guidelines do not mandate the disposal of documents.</p> <p><b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b> General Counsel Superintendents</p> <p><b>CANCELLATION:</b> 103 DOC 158 cancels all previous Department policies, statements, bulletins, directives, orders, notices, rules and/or regulations regarding the disposal of documents that are inconsistent with this policy.</p> <p><b>SEVERABILITY CLAUSE:</b> If any part of 103 DOC 158 is for any reason held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>			

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## **158.01**      **DEFINITIONS**

Commissioner: The Commissioner of the Department of Correction.

Department: The Department of Correction.

Records Conservation Board (RCB): Established pursuant to M.G.L. c.30, §42, the RCB is comprised of the state librarian, attorney general, state comptroller, commissioner of administration, supervisor of public records, and chief of the archives division in the department of state or their designees. The RCB is empowered to require all state agencies to identify the records maintained and to set standards for the management and preservation of such records and to establish schedules for the destruction or transfer of such records no longer needed for business.

Records Liaison Officer: The person designated by the Commissioner to be the liaison between the Department and the RCB and who is responsible to propose record retention schedules and review requests to destroy records.

Statewide Records Retention Schedule: A schedule for retention of state records produced pursuant to M.G.L. c. 4, §7, cl.26, M.G.L. c.30, §42, and M.G.L. c.66, §§1,8 and 9. This schedule, approved by the RCB, sets the retention periods for all executive branch records, including state records being managed by contracted service providers, regardless of form.

## **158.02**      **STORAGE OF DOCUMENTS**

- A. Staff shall familiarize themselves with the existing Statewide Records Retention Schedule and store documents accordingly to facilitate the maintenance or disposal of such documents. Storage shall be in boxes, appropriately marked with a reference to the type of document, relevant dates included, the disposal schedule number and item number. For example, a storage box containing Request to Visit Inmate Forms shall be labeled as follows:

FILE NAME: Request to Visit Inmate Forms

DATES: From January 2008 to December 2009

DISPOSAL SCHEDULE NO: 06-18, J7, 20 (a)

- B. The storage length specific to this type of documentation is three (3) full years. The final disposition is listed as DESTRUCTION. This would require that each site maintain for a minimum of three (3) years all “Request to Visit Inmate” forms. Any record older than three (3) years may be submitted to the Records Conservation

Board (RCB) through the Department of Correction's records liaison officer on Form RCB-2U-Universal Application for Destruction Permission (Paper and Electronic), for review and approval. Records of an executive branch agency may not be destroyed without the approval of the RCB on the RCB-2U-Universal Application for Destruction Permission (Paper and Electronic Form).

### **158.03**      **STATEWIDE RECORDS RETENTION SCHEDULE AND FORMS**

- A. The most current Statewide Records Retention Schedule and various forms are accessible at the Secretary of the Commonwealth's website at [www.sec.state.ma.us](http://www.sec.state.ma.us). The forms to be used for submission are located under the "Public Records" section, in the "Records Management Unit" section.
- B. Other forms that may be required for use, besides Form RCB-2U, referenced above, include Form RCB-2M, Application For Scanning and Destruction Permission, Form MA-T, Permanent Record Transfer, Form RCB-4, Records Liaison Officer Designation.
- C. Because the Statewide Records Retention Schedule encompasses all state agencies, some records generated by the Department are addressed in the retention schedules set forth in sections other than those explicitly devoted to the Department. For example, Section A, Records in Common, Administration, provides retention schedules for many types of administrative records generated by the Department.

### **158.04**      **DISPOSAL OF DOCUMENTS**

- A. The Commissioner shall designate the Records Manager of the Central Records Unit as the Department Records Liaison Officer, using the Form RCB-4, Records Liaison Officer Designation Form, by submitting the form to the RCB. Any changes to the Central Records Unit Manager position shall necessitate appointing a new Records Liaison Officer, using Form RCB-4. The Records Liaison Officer shall be responsible for interacting with the RCB in proposing authorized retention schedules for Department records not already addressed in the Statewide Records Retention Schedule, for example by submitting a written request proposing either new or revised retention schedules and by reviewing requests submitted to destroy or transfer documentation.

- B. The 06-18 Statewide Records Retention Schedule provides direction as to how long to save documents and when disposal may be requested, or whether there is a need for permanent retention and/or transfer of documents to the State Records Center or State Archive.
- C. If the documentation in question is not covered in the 06-18 Statewide Records Retention Schedule, contact the Department's Records Liaison Officer to pursue initiation of a retention schedule. If the documentation considered for disposal is not listed under an approved retention schedule, then no destruction shall occur until a retention schedule has been approved by the RCB.
- D. Each institution/division shall designate a staff member to assist in the storage and disposal of documents. The designated staff person shall review the documents being maintained and then review the 06-18 Statewide Records Retention Schedule to ascertain whether the documents identified accurately fit within an approved retention schedule. The designated staff person shall ensure that the retention periods noted on the retention schedule and item number are followed. To ensure that the pursuit of disposal is not premature, the designated staff person shall also ensure that the appropriate type of disposal is being pursued, *i.e.*, destruction versus transfer of the document to the State Records Center or State Archive and that any document listed as requiring permanent retention is not destroyed.
- E. The institution/division designated staff member shall then submit Form RCB-2U, Universal Application For Destruction Permission (Paper and Electronic) Form, to the Superintendent or Division Head for review and approval. Once approved, the document should then be sent to the RCB through the Records Liaison Officer. Once the RCB renders a decision, the Records Liaison Officer will notify the designated institution/division staff person. The Records Liaison Officer shall maintain a copy of the approved Form RCB-2U, Universal Application For Destruction Permission (Paper and Electronic) Form, and return the original to the designated institution/division staff person so that disposal of the requested documents may occur. No records may be disposed of without the approval of the RCB. The designated institution/division staff member shall maintain the original RCB-2U Form approval to accurately account for the disposal of any document.