

# A Guide to Responsible Records Destruction for State Agencies and County/Local Offices

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## Overview

This destruction guide is written by the Indiana Archives and Records Administration (IARA) for employees of State government agencies and County/Local government offices in Indiana. It explains basic records and information management requirements surrounding public records destruction, government employee responsibilities, and how to appropriately destroy public records.

More information on records management can be found in the [State Agency Records Manager Handbook](#) and the [County/Local Records Custodian Handbook](#). Additional records management guidance, training, and best practices can be found on IARA's website: <https://www.in.gov/iara>.

## Concepts to Understand Before Destroying Public Records

Before you begin the process of destroying public records, you'll need to familiarize yourself with the following concepts:

**Records management** is the process of maintaining records throughout their lifecycle: creation, use, and disposition.

**Disposition** is the final action carried out on a record including transfer to the State Archives, permanent maintenance by your office, or destruction.

**A Records Retention Schedule** is a list of record categories (record series), descriptions of the records that fall into each category, instructions for managing those records, and instructions for their disposition. Records Retention Schedules for Indiana state and local governments are created by IARA in collaboration with state agencies and local government subject-matter experts, and approved by the Oversight Committee on Public Records. You may also see them referred to informally as "retention schedules" or just "schedules."

**Record series** are the categories of records listed on a Records Retention Schedule. The records in each record series are commonly used and managed together, have the same statutory or fiscal requirements, and have the same final disposition. It's often shortened informally to just "series."

**Public records** are any records created or received by a government office in the process of serving the public or other government offices. The word doesn't refer to disclosure restrictions, which do apply to some public records; the records are "public" because they belong to the citizens of Indiana.

**Scheduled for...** is a shorter way of saying "the retention schedule says this thing should happen."

Additionally, it can be a good idea to know some of the Indiana Code citations that pertain to the destruction of records:

- IC 5-15-5.1-13
  - Explains how confidential records may be managed and destroyed.
- IC 5-15-5.1-14
  - Explains that public records must be disposed of in accordance with an approved Records Retention Schedule or IARA's written consent.
- IC 5-15-6-3 (Local Public Records Commissions code)
  - Covers how to retain financial records.
- IC 5-15-6-7 (Local Public Records Commissions code)
  - Explains record destruction – and transfer – processes following an order by a County Commission of Public Records.
- IC 5-15-6-8 (Local Public Records Commissions code)
  - Explains that government employees committing reckless, knowing, or intentional destruction or damage to public records may be charged with a Level 6 felony.

## State Agency Public Records Destruction Responsibilities

Public records created or managed by State agencies may be destroyed if:

- they fall under a record series listed on a retention schedule and their scheduled disposition date has been reached  
or
- they are a collection of no-longer-created records that have never been listed on a retention schedule, and IARA has issued a PR-2 document giving permission to destroy or
- they are so damaged or so unsafe that they cannot be retained until their scheduled disposition date, and IARA has issued a PR-2 document giving permission to destroy the unsalvageable records.

## County/Local Public Records Destruction Responsibilities

Public records created or managed by County/Local offices may be destroyed if the records are:

- listed on a retention schedule and their scheduled disposition date has been reached  
or
- not on a retention schedule, but a PR-1A form (State Form 30505: Request for Permission to Destroy Certain Public Records) has been filled out by the county/local office and approved by both IARA and their County Commission of Public Records  
or
- so damaged or so unsafe that they cannot be retained until their scheduled disposition date, and IARA has issued a PR-1A document giving permission to destroy the unsalvageable records.

County/Local offices may also opt to request to transfer public records that are scheduled for destruction to either an active genealogical or historical society of the county, or the State Archives. For more information, please see the [County/Local Records Custodian Handbook](#).

# How to Responsibly Destroy Public Records That Are Scheduled for Destruction

There are three key steps for responsible destruction of public records.

1. Calculate when the records are eligible for destruction.
2. Complete and submit required State Forms.
3. Select a method of destruction based on the format of the records and determine who should destroy the records.

## Step 1: Calculate When the Records are Eligible for Destruction

To calculate the date that records are eligible for destruction, note the date range of the records you are wanting to destroy. Start with the date of the latest (newest) record in a box, folder, or other container - or the last-modified date if you're working with individual electronic files. Then, go to your retention schedule(s) and find the record series that corresponds with your records. Review the listed disposition of the record series to confirm it is eligible for destruction, and the specified time period before the records are eligible for destruction. Then add the time period specified in the retention schedule(s). The records will be eligible for destruction as of the beginning of the following month.

For example, General Correspondence (GRADM-4 on the State General Retention Schedule, GEN 10-04 on the County/Local General Retention Schedule) can be destroyed after three (3) years. If an email that falls into this category is dated October 15, 2023, then it becomes eligible for destruction (deletion) as of November 1, 2026.

Another example would be GEN 10-31, Employment Applications-Not Hired; these records can be destroyed after three (3) years. If you have a filing cabinet drawer of GEN 10-31 with a date range of January 2013-January 2017, the newest record in this record series became eligible for destruction in February 2020. These records have met their required retention date and are eligible for destruction.

## Step 2: Complete and Submit Required State Forms

If you calculate that your records are indeed eligible for destruction, next you will need to determine whether a State Form is required.

- State agencies should use State Form 16.
- County/local offices should use State Form 44905 or 30505.
- State Forms are available for download at [forms.IN.gov](https://forms.IN.gov), and on the [IARA-Specific Forms](#) page of the Archives and Records Administration website.
- *Duplicates* of a record are considered nonrecord material and do not require any State Forms to destroy. (See [Destroying Records Converted to Another Format](#) for more information on that type of duplicate.)

### *State Government Records: State Form 16*

State Form 16, Records Disposition Notification, is used by State agencies only. It is used to document the destruction of your agency's records by your office, an external vendor, or the State Records Center. It should be retained by your agency in accordance with [Record Series GRREC-2](#) on the [General Retention Schedule for All State Agencies](#).

For information on completing this State Form, please see the [State Agency Records Manager Handbook](#).

*County/Local Government Records: State Form 44905*

State Form 44905, Notice of Destruction of County/Local Government Records in Accordance with an Approved Retention Schedule, is used to document the destruction of records that are listed on a county/local retention schedule. This form is also referred to as the Notice of Destruction or the NOD. For more information on State Form 44905, please see the [County/Local Records Custodian Handbook](#).

1. Destroy the records. The method of destruction is up to you or your office's administrators. Confidential records must be destroyed completely and in a manner that does not expose them to unauthorized viewers while being destroyed. Examples of acceptable methods of destruction for confidential records include shredding or incineration by a professional.
2. Fill in the date the records were destroyed and related information on your copy of the Notice of Destruction.
3. After the records are destroyed, send a copy of the completed form to the Secretary of your County Commission of Public Records for inclusion in the minutes of the next meeting. If you do not know who that is, it is either your County Clerk or your County Recorder; you can contact their office(s) to confirm.

If you are the Secretary for your County Commission, see Section 6 of the [County/Local Records Custodian Handbook](#) for how to handle your duties as the Secretary.

Maintain your copy of the Notice of Destruction permanently in your office under Record Series GEN 20-01.

*County/Local Government Records: State Form 30505*

Complete SF 30505: Request for Permission to Destroy Certain Public Records (PR-1A) to dispose of nonscheduled records. Nonscheduled records are records that do not appear on a retention schedule. For more information on State Form 30505 please see the [County/Local Records Custodian Handbook](#).

1. Contact County/Local Records Management and provide a description of the records and a summary of your request. Include a brief explanation of why you wish to destroy these records and your proposed method of destruction.
2. County/Local Records Management will either approve or deny your request to complete the PR-1A. If approved, County/Local Records Management will provide instructions for completing Parts 1 and 2 of the PR-1A. Follow the instructions given and submit the PR-1A back to County/Local Records Management for review.
3. IARA will complete Parts 3 and 4 of the PR-1A and return it to you. Then have your genealogical or historical entity of the county complete Part 5.
4. Submit the PR-1A, with Parts 1 through 5 completed, to the Secretary of your County Commission on Public Records.
5. The Secretary will place the PR-1A request on the agenda for the next County Commission of Public Records meeting. The Commission will review the PR-1A, complete Part 6, and send a copy of the form to you after the meeting.
6. If your request is approved by the County Commission of Public Records, you may proceed with destruction following any modifications indicated in Parts 3, 4, 5, or 6. If your request is denied by the Commission, you do not have permission to proceed and may not destroy the records.
7. After destruction, keep your copies of any forms related to the request (PR-1A, and if the records were transferred, any paperwork that documents this transaction) permanently in your office under Record Series GEN 20-01 on the County/Local General Retention Schedule.

### Step 3: Select a Method of Destruction

Responsible destruction ensures that the record and any associated metadata<sup>1</sup> can no longer be reconstructed or recovered. You can destroy records:

1. in your office yourself
2. by using the services of a vendor that specializes in records destruction and
3. State agencies may request destruction from the State Records Center.

Please keep a few things in mind before you begin:

- It is crucial to follow the law when destroying sensitive and confidential data. Familiarize yourself with IC 5–15–5.1–13, which requires that confidential records must be destroyed in such a manner that they cannot be “read, interpreted, or reconstructed.”
- Do not destroy records subject to audit, pending or active litigation, investigations, or a public records request even if their scheduled disposition date has been reached.
- You may retain records scheduled for destruction beyond the period outlined in the Records Retention Schedule if there is a legitimate business use case.
- It is important to check whether your office has its own internal destruction procedures prior to destroying records.

Whether destroying records yourself or with a vendor, make sure that records are securely stored up until their destruction.

#### *How to Destroy Records Yourself*

Small volume destruction can often be handled in-office with minimal equipment. If you choose to destroy records yourself, please remember that public records may not be destroyed in an unauthorized location, such as your home, a public landfill, or similar location.

#### **Paper**

Acceptable in-office methods for paper destruction include shredding records in your office using an office shredder or incineration if your building has an incinerator that is intended to burn office paper. It is not a best practice to destroy public records by burying them in a landfill or other garbage disposal site.

#### **Electronic Media**

Shredding small amounts of media, such as CDs or DVDs, can be done in-office if your office shredder is designed for such materials. For large amounts of media, or for server or external hard drive destruction, it may be advisable to work with a vendor that specializes in records destruction. It may be advisable to use a vendor to destroy media containing confidential information.

#### **Electronic Files**

You can delete electronic records stored on a server, in the Cloud, or in an electronic recordkeeping system yourself. Just be aware that simply deleting a record may not be sufficient to ensure that the record cannot be reconstituted.

Records sent to an electronic recycle bin or similar holding area are still recoverable and are not actually deleted. If you have questions about how to delete your electronic records, recycle bins or other holding areas, please contact your IT department or storage or software provider.

In many operating systems, 'deleting' a file only removes it from the directory structure – the file's contents can remain on the hard drive until they are eventually overwritten.

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<sup>1</sup> Metadata as used here is information about an electronic record, such as the filename, date created, creator, file type, and similar.

Backups and replicated Cloud storage must also be taken into account, as complete destruction includes the Copy of Record as well as any access or disaster recovery (DR) copies.

### *How to Destroy Records with a Vendor*

Vendors are often used for large volume destruction or physical media destruction or if the confidential nature of your records requires special handling or equipment. If you have any internal destruction policies or are destroying confidential records, ensure that the vendor can comply with your needs. Ensure that the destruction will be done in a secure, professional location and that you are able to request and receive a certificate or other proof that destruction took place. You will want to maintain this documentation for your records with your copy of the NOD or State Form 16 for the records.

#### **Paper**

You can work with a trustworthy vendor to shred paper records that are due for destruction. Be sure the vendor is a reputable company. For confidential records, ensure that cross-shredding is an option for better security.

#### **Electronic Media**

You can also work with a trustworthy vendor to shred media that contains records due for destruction. Be sure to select a reputable vendor that understands the unique needs of media destruction. Ensure the media is shredded to the smallest size possible. Hard drives and other electronic media should be destroyed either by shredding, disintegrating, pulverizing, or incinerating by burning the device in a licensed incinerator.

#### **Electronic Files**

If your electronic records are stored with a vendor, you may need to work with the vendor to ensure proper destruction. You can also ask your IT department similar questions if you are using recordkeeping or file storage software that they manage. Some questions to ask include:

1. What happens when I (the end user) delete a file?
2. Is there a recycling bin in which deleted files are temporarily stored?
3. If there is a recycling bin, how long are files temporarily stored in it?
4. Is there any secondary recycling bin or similar temporary storage for deleted files?
5. If there is a secondary recycling bin or similar, how long are files stored in it?
6. How long are files recoverable by the end user after deletion?
7. How long are files recoverable by the vendor after deletion?
8. At what point are deleted files no longer recoverable at all?
9. Can the period of recoverability for deleted files be changed?
10. If the vendor needs to take an action to ensure total deletion – meaning the files are not recoverable by anyone – can they supply a certificate of destruction?
11. Can the system generate a log that could be used to prove destruction took place? If so, can I see a sample?

### *State Records Center (State agencies only)*

State agencies may request destruction of paper records by the State Records Center as long as the pick-up location is within Marion County. For more information on the State Records Center's procedures and State Form 16, see the State Records Manager Handbook.

To request that the State Records Center pick up and destroy records, complete State Form 16, Records Destruction Notification, and check the box marked "Courtesy destruction." Email the completed form to the Records Center: [recordscenter@iara.in.gov](mailto:recordscenter@iara.in.gov). Records Center staff will arrange to pick up the records from your agency.

To prepare records for Records Center destruction, place them in one cubic foot boxes labeled with a completed State Form 25186. It's not necessary to separate different types of paper materials from each other, but you do need to remove any electronic media from the boxes.

## Destroying Records Converted to Another Format

If you convert physical records (generally microfilm or paper) to an electronic format and wish to destroy the originals, you may choose to do so under certain circumstances.

If you are converting permanent or critical records from a physical to digital format, it is particularly important to ensure you are following applicable policies and guidelines (see below for a list). Maintaining electronic records permanently is no small task, and it is crucial to be aware of the long term financial and staff costs that electronic records require.

If you are confident that you have followed all applicable policies and guidelines, you may destroy your original copies and maintain the digital files as the Copy of Record. You do not need to seek approval from IARA for this type of destruction or let us know that you have destroyed physical originals after digitizing them. However, if you would like to consult with IARA prior to beginning a digitization project, we are always happy to help!

Guidelines and policies pertaining to converting physical records to electronic formats:

- [OCPR Policy 20-01: Electronic Records Retention and Disposition](#)
  - Ensures electronic public records are retained in a trustworthy, accessible, and reliable manner.
- [OCPR Policy 20-02: Electronic Records Technical Standards](#)
  - Establishes consistent standards for the creation and maintenance of electronic public records.
- [IARA Electronic Records Guidelines](#)
  - A basic guide to managing your electronic records, including guidelines for digitization.
- [Critical Records Guidance](#)
  - A basic guide to what Critical Records are, and how to manage yours.
- [Electronic Recordkeeping System Guidance](#)
  - Guidance to help you make defensible decisions about electronic recordkeeping systems.
- [Vendor Qualifications](#)
  - Recommended qualifications to look for in a vendor for digitization or other conversion projects.

