

Local Government Records Management

Local governments are responsible to ensure records remain readable and findable throughout their retention period. In accordance with 2-6-1202 MCA, the [Local Government Records Committee](#) (LGRC), has approved records retention schedules to assist local governments in Montana to know when records may be disposed. These schedules apply to paper and electronic records. Records should not be disposed before the retention time listed in the records retention schedule. If you have questions or comments about the schedules, procedures or want to request a change to a retention schedule, please contact us:

Local Government Records Committee

Local Government Services Bureau

P.O. Box 200547

Helena MT 59620-0547

SOSLocalGovtRecCom@mt.gov

About retention periods

How retention periods are determined

The LGRC works with local governments to determine how long a record should be retained evaluating them based on four values. The longest value in this analysis is the retention that is assigned:

- Administrative/operational
- Legal/regulatory
- Fiscal
- Historic/enduring

Retention periods assigned to records are minimums.

Local governments are not required to destroy or otherwise dispose of records at the end of the minimum time frame outlined in a retention schedule.

Calculating fiscal year retention

If a retention period in a record schedule refers to a fiscal year + X years, the records retention clock begins when the governing body receives the final fiscal year audit report relating to those records rather than the last day of the fiscal year.

Office of Record

The “office of record” is the office in a local government that is designated as keeper of the final, complete record listed on a record retention schedule. Convenience copies of official records are often kept in other offices to facilitate the conduct of business. The record retention schedule applies to the official record maintained by the office of record. Copies may be disposed at will because they are not records. Copies should never be retained longer than the official record.

Arranging files to enable records disposal

The way documents are filed or saved can facilitate records disposal or make it extremely difficult. For example, if accounts payable files are organized by fiscal year, it is easy to dispose of an entire year’s records. If the files are arranged by vendor name, disposing of records relating to a fiscal year requires going through every folder and reading each document to identify records eligible for disposal.

Recommended practice:

The LGRC recommends local governments consider disposal requirements when choosing how to save and file records for efficient records management and disposal.

Disposition & destruction of records

Records that have met the retention requirements listed in an approved record retention schedule and approved for disposal by appropriate authorities may be disposed. There are special disposal procedures for city, county, and special district records that are over 50 years old further down on this page.

Recommended practices:

1. Document records disposal either through forms or policies applied to automated electronic recordkeeping systems to demonstrate that the records were disposed in the normal course of business in accordance with an approved record retention schedule. Here is a form you can use to document disposal:
 - a. Form RM 88

2. Note if any of the records contain confidential information. If there is confidential information, you'll need to dispose of the records by methods that protect privacy.
3. Legal counsel should review disposal forms or automated electronic recordkeeping system policies to ensure disposal doesn't violate any legal or regulatory holds or court orders suspending disposal.
4. Depending on the type of local government you work for, there are state laws that govern how records can be disposed once they have met the requirements of an approved records retention schedule:
 - a. County governments See [7-5-2132 MCA](#)
 - b. Municipal governments See [7-5-4124 MCA](#)
 - c. School Districts See [20-1-212 MCA](#)

Special requirements to dispose of records over 50 years old:

State law [2-6-1205 MCA](#) requires that older city, county and special district records be placed on a [central registry](#) located on the Secretary of State's office website for 30 days prior to disposal to afford certain entities and persons (see the law for the list) the option to claim them. 2-6-1205 MCA does not apply to school districts. This law applies to the following records:

- Over 50 years old
- Do not contain private or confidential information.

Please use the following disposal form for these records:

- Form RM 60

To comply with this law, send your disposal form to SOSLocalGovtRecCom@mt.gov. The Secretary of State's office will return the form with the date the records were placed on the central registry. If no one contacts you to claim them within 30 days of the date they were placed on the registry, you may proceed with disposal.

Digital records and recordkeeping systems

Local governments are responsible to ensure records remain readable and findable through their retention period. Digital records require attention to ensure they meet these requirements. For example: storage media can become obsolete, systems needed to render files can be decommissioned by a vendor, machines needed to read storage media may no longer be available, etc. The Local Government Records Committee has adopted the Association of Records Managers & Administrators (ARMA) International's Generally Accepted Recordkeeping Principles® (GARP) for local governments using electronic systems to store long-term records, ©2014 ARMA International, www.arma.org.

Recommended practices:

Local governments should use GARP as the framework to design, implement, operate, and decommission the systems and to manage the records and data within the systems. Planning should include preservation considerations to ensure records are trustworthy, complete, accessible, and durable over time. Best practices for electronic records preservation include the creation and routine maintenance of a preservation and migration plan.

If local governments digitize paper or electronic records, the LGRC recommends they validate that the records are complete, accurate, and trustworthy before disposing of the source documents. Validation should include testing a representative sample of the digitized files against the originals to ensure complete capture. After validation is completed, the original source documents are copies and are eligible for disposal.

Helpful resource: [Digital Records Creation and Preservation—Guidelines for Local Government](#)

Confidential records

The local government unit bears responsibility to determine if records are confidential and should note which records are confidential on each request for disposal. If you have questions, please see the Montana Constitution, Article II, [Section 9](#) and [Section 10](#), Title II statutes at [2-17-553, MCA](#), and consult legal counsel.

Legal and regulatory record holds

Local government units should not dispose of records subject to litigation, a legal proceeding, an audit and/or a formal investigation, even if the records have met their retention requirements. Local governments should take steps

immediate steps when a legal or regulatory hold is received to segregate and protect relevant records from destruction.

Microfilm/Microfiche

Archival quality microfilm and microfiche are acceptable storage mediums to preserve permanent public records that have low access requirements. Local governments using these formats are required to ensure records stored in micrographic formats remain readable and accessible through their retention period by having an operable machine that can read and produce the records, if requested.

Recommended practices:

Permanent archival quality microfilm or microfiche must be created and stored in accordance with international ANSI standards in order to retain its durability.

If local governments microfilm/microfiche records, the LGRC recommends they validate that the records are complete, accurate, and trustworthy before disposing of the source documents. Validation should include testing a representative sample of the microfilmed files against the originals to ensure complete capture. After validation is completed, the original source documents are copies and are eligible for disposal.