

Requesting or Releasing a Retention or Legal Hold for Records Stored in the State Records Center

Effective Date: January 12, 2010

Last Revised: March 9, 2017

(Procedure VSARA0009)

I. OVERVIEW/DESCRIPTION

The State Records Center provides low-cost, secure storage for records that must be maintained for audit, fiscal, legal, or administrative needs, but are no longer used frequently enough to justify storing the records on-site, which is generally more expensive. Services of the State Records Center are available to all state agencies and include box pick-up, storage, retrieval, and destruction.

For records stored in the State Records Center, both legal control and control of access to the records are retained by the agency until the records are either transferred to the State Archives or destroyed in accordance with a record schedule.

This procedure establishes the policy and process for requesting and releasing a retention or legal hold to suspend the destruction of records stored in the State Records Center due to on-going or pending litigation, investigation, claim, negotiation, audit, or other extenuating circumstance.

II. AREAS OF RESPONSIBILITY

State Archivist: Maintains a record center to hold inactive records in accordance with record schedules approved by the State Archivist (3 V.S.A. § 117).

State Records Center Supervisor: Accepts, stores, retrieves, re-files, and disposes records in the State Records Center based on an approved record retention schedule.

Agency/Department Head: Implements and sustains a record schedule in accordance with requirements established by the Vermont State Archives and Records Administration (VSARA) as part of the agency/department's records management program.

VSARA Records and Information Management (RIM) Specialist: Reviews Retention or Legal Hold Request ([Form VSARA-20](#)) upon request of State Records Center Supervisor.

Records Officer: Oversees the records management program for a state agency or department (pursuant to 3 V.S.A. § 218, where applicable) and appoints and supervises records liaisons to help manage that program.

III. PROCEDURE STEPS/CHECKLIST

A. Records Officer

1. Identifies the specific box or boxes in the State Records Center for which a retention or legal hold is needed due to on-going or pending litigation, investigation, claim, negotiation, audit, or other extenuating circumstance.
2. Submits Retention or Legal Hold Request ([Form VSARA-20](#)) to State Records Center Supervisor.

Note: Requests not submitted by a records officer or records liaison will not be accepted.

3. Collaborates with VSARA RIM Specialist and responds to any questions the RIM Specialist may have concerning the request.
4. Promptly notifies the State Records Center Supervisor in writing when a retention or legal hold is no longer needed.

B. State Records Center Supervisor

1. Receives and processes Retention or Legal Hold Request ([Form VSARA-20](#)) upon receipt.
2. If, upon the review, the request cannot be processed, forwards request to a Records and Information Management (RIM) Specialist.
3. Upon receipt of written request from a records officer to release a retention or legal hold, processes the request and releases the hold.

C. VSARA RIM Specialist

1. Reviews Retention or Legal Hold Request ([Form VSARA-20](#)) upon request of the State Records Center Supervisor and provides advice as needed.
2. Communicates questions concerning the request to the records officer, if necessary.
3. Notifies, in writing, records officer and State Records Center Supervisor if the request cannot be processed as received and why.

IV. GETTING HELP

The Vermont State Archives and Records Administration (VSARA) provides records training, assistance and services to public agencies. For help, please contact:

- State Records Center: sos.recordscenter@vermont.gov or 802-828-3280
- Records Management: sos.rim@vermont.gov or 802-828-3897

V. APPLICABILITY AND AUTHORITY

This procedure is for requesting or releasing a retention or legal hold for records stored in the State Records Center in Middlesex, Vermont and supersedes any State of Vermont practices in existence prior to its effective date.

The Vermont State Archivist is the statutory authority for maintaining a records center and for this procedure on for transferring inactive records the State Records Center. This procedure was reviewed and approved by the Vermont State Archivist on June 23, 2009.

The State Archivist reviewed and approved the current version of this procedure on March 9, 2018. The next review date is March 2020, or sooner at the discretion of the State Archivist.

REVISION HISTORY	
2018-03-09	Removed definition section, updated email addresses to @vermont.gov due to email migration and revised “Getting Help” section, and made general “look and feel” changes to the procedures sections and layout.
2015-04-14	Updated form link and email addresses to recordscenter@sec.state.vt.us .
2011-04-27	Removed references to Records Management Auditor; included phrase “legal hold” when referencing retention holds; and added on-going or pending claim and negotiation as reasons to suspend destruction.
2010-04-13	Added information about Records Disposition Notification Reports.
2010-01-12	New procedure.