

**STATE OF VERMONT GENERAL RECORD SCHEDULE**

**Issued to: All Public Agencies**

**GRS-2087.1128: Administrative Rulemaking Records**

**Last Revised: 2/8/2024**



Vermont State Archives and Records Administration

Vermont Office of the Secretary of State

**GRS-2087.1128: Administrative Rulemaking Records**

Classification: Administrative procedures (Rulemaking)

- Authority:** A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in 3 V.S.A. § 117(a)(6), that has been approved by the State Archivist. (1 V.S.A. § 317a)
- Scope:** This general record schedule (GRS) applies to any public agency, meaning any agency, board, department, commission, committee, branch, instrumentality, or authority of the state or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the State, that produces or acquires the records listed on this record schedule in the course of public agency business. Record means any written or recorded information, regardless of physical form or characteristics, and includes electronic or digital records and data. (1 V.S.A. § 317)
- Use:** Any public agency using this GRS must establish internal policies for applying the requirements in the GRS within the agency. GRS numbers shall be cited in all internal policies to demonstrate compliance with 1 V.S.A. § 317a. If this GRS does not meet an agency's legal or administrative needs for the records listed on this record schedule, the agency should seek an agency specific record schedule through the Vermont State Archives and Records Administration's Targeted Assistance Program (TAP).
- Exemptions:** It is the policy of Title 1, Chapter 5, Subchapter 3 of Vermont Statutes Annotated to provide for free and open examination of records consistent with Chapter 1, Article 6 of the Vermont Constitution. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Some records listed on GRS-2087.1128 may be exempt from public inspection and copying for this reason. Security measures to protect records and information from unauthorized access, use, and disclosure are necessary if the records are exempt pursuant to 1 V.S.A. §§ 315-320. Please see Appendix B for Access Requirements and Appendix E for related legal references regarding exemptions from public inspection and copying.
- Retention:** GRS-2087.1128 reflects the retention and disposition requirements for the following records regardless of their media, format, or mode of transmission. Duplicate records within the same agency that are used for specific legal, fiscal, or administrative purposes may be either retained using the retention requirement listed in this schedule or in accordance to an internal policy. Any copies of records made only for convenience of reference or informational purposes may be discarded when no longer needed unless otherwise directed through an internal policy. Duplicates or copies of records shall not be retained longer than the original records.

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**GRS-2087.1128: Administrative Rulemaking Records**

Classification: Administrative procedures (Rulemaking)

*GRS-2087.1128: This schedule is reserved for recorded evidence of activities and transactions that relate to or affect, in a specific manner, the adoption, amendment, or repeal of administrative procedures or rules under the Vermont Administrative Procedures Act (APA).*

**Retention:** The adopting authority shall retain all records documenting the rulemaking process as defined in 3 V.S.A. § 836 and 3 V.S.A § 844 until the rule making process has completed/closed, plus one (1) year and then destroy.

Proposals and rules are archival records and shall be retained permanently. Archival records are eligible for transfer into the Vermont State Archives once the rulemaking process has completed, plus one (1) year.

For major or significant rulemaking, gather all existing records and contact the Vermont State Archives and Records Administration (VSARA) for further appraisal; records must meet the criteria of major/significant in "Vermont Archival Records" to be identified as permanent (archival).

Registers or systems that serve as the official recording of the rule making process are archival records and shall be retained until the register is superseded and then transferred to the Vermont State Archives.

Other records shall be retained as specified in this schedule with the exception of transitory records. Transitory records created or received as part of the rulemaking process may be weeded as appropriate in accordance with GRS-1000.1000 (Transitory Records).

**Public Access:** Review

**MINIMUM RECORDKEEPING REQUIREMENTS for Administrative Rulemaking Records (see APPENDIX E for related legal references)**

Record Category/Type:	Applicability/Use:	Appraised Value:	Minimum Retention/Disposition:
<b>GRS-2087.1128.32</b> <b>Declarations</b> Public Access: <b>Redact</b>	Use for all written and recorded information created, received, or maintained by the adopting authority documenting adherence to the rulemaking process as defined in 3 V.S.A. § 836 and 3 V.S.A § 844. Includes the adopting authority's written responses to objections made by the Legislative Committee on Administrative Rules.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Destroy (Shred)
<b>GRS-2087.1128.50</b> <b>Notices, Legal</b> Public Access: <b>General</b>	Use for formal announcements, notifications, or warnings required to be issued by the adopting authority or the Secretary of State during the rulemaking process. Includes notices of deletion and withdrawal.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Destroy (General)

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<p><b>GRS-2087.1128.73</b> <b>Procedures</b> Public Access: <i>General</i></p>	<p>Use for the current and official compilation of procedures and guidance documents maintained by the adopting authority pursuant to 3 V.S.A. § 835.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Superseded PLUS: 1 Year(s) THEN: Destroy (General)</p>
<p><b>GRS-2087.1128.154</b> <b>Proposals</b> Public Access: <i>General</i></p>	<p>Use for initial and final proposed rules filed with the Secretary of State pursuant to 3 V.S.A. § 838 and 3 V.S.A. § 841. Includes required supporting information submitted by the adopting authority and any certified objections filed by the Committee with the Secretary of State. The Secretary of State may, at its discretion, separate and destroy the initial proposed rule and its supporting material after the final proposed rule is adopted.</p>	<p>Permanent (Archival)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Archives</p>
<p><b>GRS-2087.1128.74</b> <b>Publications</b> Public Access: <i>General</i></p>	<p>Use for the code of administrative rules as published by the Secretary of State pursuant to 3 V.S.A. § 847.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Superseded PLUS: 1 Year(s) THEN: Destroy (General)</p>
<p><b>GRS-2087.1128.81</b> <b>Registers</b> Public Access: <i>General</i></p>	<p>Use for the centralized rule system and permanent register of rules maintained by the Secretary of State pursuant to 3 V.S.A § 818 and 3 V.S.A § 847.</p>	<p>Permanent (Archival)</p>	<p>RETAIN UNTIL: Superseded PLUS: 0 Year(s) THEN: Archives</p>
<p><b>GRS-2087.1128.139</b> <b>Requests</b> Public Access: <i>General</i></p>	<p>Use for written requests received by the adopting authority related to the adoption, amendment or repeal of a procedure or rule, the adoption of a guidance document as a rule, or the amendment or repeal of a guidance document pursuant to 3 V.S.A § 806 and 3 V.S.A. § 834. Includes the adopting authority's written responses to requests.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Destroy (General)</p>
<p><b>GRS-2087.1128.161</b> <b>Rules</b> Public Access: <i>General</i></p>	<p>Use for final, adopted rules and emergency rules on file with the Secretary of State. Includes significant supporting material submitted by the adopting authority.</p>	<p>Permanent (Archival)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Archives</p>

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## Appendix A: Appraisal Values

*An appraisal value establishes the usefulness or importance of a record after its original purpose has passed. The value of a record also dictates how it must be disposed after retention requirements are met (also see "Retention Requirements"). The appraisal values below represent categories of values that may be assigned to records following the record appraisal process. See "Vermont Archival Records" in the Archives and Records Management Handbook for conditions a record must meet to be appraised as "archival."*

Appraisal Value	Description	Usage
Conditional Archival	Records may have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" under special conditions.
Permanent (Archival)	Records have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" and are therefore permanent (archival) records.
Temporary (Administrative)	Records have temporary administrative value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but are needed for administrative reasons.
Temporary (Legal)	Records have temporary legal value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but have legal requirements governing their retention.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.

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## Appendix B: Public Access Requirements

*A public access requirement is the availability of a record for public use and inspection pursuant to 1 V.S.A. §§ 315-320. Unless exempt from public inspection and copying pursuant to 1 V.S.A. § 317, records are expected to be promptly produced for public inspection upon request. Public agencies shall follow the procedure outlined in 1 V.S.A. § 318. The access requirements below represent actions agencies must take based on specific laws associated with the accessibility of their records. With general record schedules, the default requirement is always REVIEW unless it is clear that certain records or information within a record are exempt from public use and inspection pursuant to 1 V.S.A. § 317. Agencies using general record schedules should defer to their internal policies for specific access requirements.*

Access	Description	Usage
Exempt	Records shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are wholly exempt from public use and inspection pursuant to 1 V.S.A. § 317.
General	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are not exempt from public inspection and copying pursuant to 1 V.S.A. § 317.
Redact	Records contain specific information that shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that contain specific information that is exempt from public inspection and copying pursuant to 1 V.S.A. § 317 and require exempt information to be redacted from the records prior to public use, inspection and/or copying.
Review	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320 but not always. Default value for general schedules, which require agencies to establish internal policies.	Assigned to records that are generally not exempt from public inspection and copying pursuant to 1 V.S.A. § 317 but, in limited circumstances, may be exempt. Internal review and/or policy is required.

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## Appendix C: Retention Requirements

*A retention requirement is the length of time a record must be retained by an agency before it may be destroyed or transferred to the State Archives or an agency archives (also see "Disposition Requirements"). The retention requirements below represent events or triggers that cause records to move from an active to inactive state. An "event" is tied to a specific time requirement: i.e. Retain Until "Calendar Year Ends" PLUS 3 Years.*

Retention	Description	Usage
Audit Complete	Retain until an audit or verification is complete.	Assigned to records that are actively used or needed until the information contained therein has been audited or verified.
Calendar Year Ends	Retain until the end of the calendar year.	Assigned to records that are actively used or needed until the end of the calendar year.
Completed/Closed	Retain until the activity or process supported by the record is completed.	Assigned to records that are actively used or needed until the activity is formally completed, closed, or finalized (includes appeals).
Expired	Retain until the conditions or requirements supported by the record are satisfied and no further action is needed.	Assigned to records that are actively used or needed until the conditions or requirements are satisfied and complete.
Fiscal Year Ends	Retain until the end of the fiscal year.	Assigned to records that are actively used or needed until the end of the fiscal year.
Life of Asset Ends	Retain for the life of the person, structure, object, organization, etc. that is the subject of the record.	Assigned to records that are actively used or needed for the life of person, structure, object, organization, etc.
Obsolete	Retain until the record is no longer needed and is valueless.	Assigned to records that have limited administrative value and may be purged when they no longer have any administrative value. Agency must develop internal policy that states when records no longer have administrative value.
Superseded	Retain until the record is superseded, updated, or revised.	Assigned to records that will be superseded, updated, or revised.

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## Appendix D: Disposition Requirements

*A disposition requirement is how an agency must dispose of a record from its legal custody once retention requirements have been met. Disposition is based on the record's appraisal value. If the record has been appraised as non-archival it will be destroyed after retention requirements are met. If appraised as archival the record will be transferred to the State Archives or agency archives for permanent preservation and access. The disposition requirements below represent actions that an agency must take once a record has met its retention requirements.*

Disposition	Description	Usage
Archives	Retain permanently. These records are eligible for transfer to the State Archives or agency archives.	Assigned to records that have been appraised as having archival value and are therefore permanent records.
Confirm	Confirm disposition with the Vermont State Archives and Records Administration after retention requirement has been met.	Assigned to records that are maintained in a centralized database or information system or are appraised as conditional archival.
Destroy (General)	Destroy by recycling or deleting the record.	Assigned to records that have been appraised as non-archival and are not exempt from public access. Agency discretion advised for general record schedules.
Destroy (Shred)	Destroy by shredding (includes electronic shredding).	Assigned to records that have been appraised as non-archival and are exempt from public access or contain sensitive information.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.
Weed	Separate records that meet the conditions of a "Vermont Archival Record" from those that do not (temporary).	Assigned to records that have been appraised as conditional archival. Upon weeding the temporary records from the archival records, transfer archival records to Archives and destroy temporary records.

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## Appendix E: Legal References

GRS-2087.1128: Administrative Rulemaking Records		<i>Review for Exemption?</i>
1 V.S.A. § 312	Right to attend meetings of public agencies	Yes
1 V.S.A. § 315	Statement of policy; short title [related to access to public records]	Yes
1 V.S.A. § 316	Access to public records and documents	No
1 V.S.A. § 317	Definitions; public agency; public records and documents; exemptions	Yes
1 V.S.A. § 317a	Management of public records	No
1 V.S.A. § 318	Procedure [related to access to public records]	No
1 V.S.A. § 319	Enforcement [related to access to public records]	No
1 V.S.A. § 320	Penalties [related to access to public records]	No
3 V.S.A. § 801	Short title and definitions [related to administrative procedure]	No
3 V.S.A. § 806	Procedure to request adoption of rules or procedures; guidance documents	No
3 V.S.A. § 807	Declaratory judgment on validity or applicability of rules	No
3 V.S.A. § 808	Procedure to request declaratory rulings by agencies	No
3 V.S.A. § 809	Contested cases; notice; hearing; records [related to administrative procedure]	No
3 V.S.A. § 817	Legislative Committee on Administrative Rules	No
3 V.S.A. § 818	Secretary of State; centralized rule system	No
3 V.S.A. § 831	Required policy statements and rules	No
3 V.S.A. § 832	Exemptions; limitations [related to administrative procedure]	No
3 V.S.A. § 835	Procedures and guidance documents [related to administrative procedure]	No



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3 V.S.A. § 836	Procedure for adoption of rules	Yes
3 V.S.A. § 837	Prefiling [related to administrative procedure]	No
3 V.S.A. § 838	Filing of proposed rules	No
3 V.S.A. § 839	Publication of proposed rules	No
3 V.S.A. § 840	Public hearing and comment [related to administrative procedure]	No
3 V.S.A. § 841	Final proposal [related to administrative procedure]	No
3 V.S.A. § 842	Review by legislative committee [related to administrative procedure]	No
3 V.S.A. § 843	Filing of adopted rules	No
3 V.S.A. § 844	Emergency rules	No
3 V.S.A. § 845	Effect of rules [related to administrative procedure]	No
3 V.S.A. § 846	Remedies for procedural failures	No
3 V.S.A. § 847	Availability of adopted rules; rules by Secretary of State	No
3 V.S.A. § 848	Rules repeal; operation of law [related to administrative procedure]	No
CVR 04-000-001	Rule on rulemaking	No