

GENERAL PROVISIONS

Definitions

The following words and terms, when used in this section, shall have the following meanings:

ACT - The County Records Act of August 14, 1963 (P.L. 839, No. 407) (16 P.S. 13001-13006) as amended.

ARCHIVES - The Commission's Division of Archival and Records Management Services (State Archives).

COMMISSION - The Pennsylvania Historical and Museum Commission (PHMC).

COMMITTEE - The County Records Committee.

Purpose

This manual has been issued to inform certain county administrative, fiscal and judicial officers of the opportunity to legally dispose of records in accordance with the provisions of the County Records Act and Rule of Judicial Administration Pa.R.J.A. No. 507(a). (See Appendix I)

The Program

In the last fifty years, there has been a tremendous increase in the amount of records being created and maintained by county governments. New health and human service programs, increasing judicial case loads, and the introduction of new methods of duplicating records are primarily responsible for this proliferation of documentation. As a result of this "records explosion", county governments have had to spend more money to create, store and access information. An effective records management program can reduce the cost of creating, storing, and retrieving records and can increase productivity by saving staff time. Recognition of the need for a workable local government records management program in Pennsylvania led to the passage of the County Records Act of 1963. The act established the County Records Committee which is composed of representatives of certain county offices, the Commission, attorneys, and the general public. The Committee is currently chaired by the judicial representative of the Chief Justice of the Supreme Court. Under the act, the Pennsylvania Historical and Museum Commission is designated as the agency responsible for assisting the County Records Committee and administering its local records program. The Commission, working through its Division of Archival and Records Management Services (the State Archives) in carrying out these records functions, seeks and utilizes the assistance of county and state officials and others knowledgeable in this area.

The Committee's primary responsibility is to develop records retention schedules and disposition procedures for certain county offices. In counties of the second thru eighth class, county administrative and fiscal officers are authorized by the act to dispose of records in accordance with schedules and procedures which have been approved by the Committee.

The Supreme Court of Pennsylvania is responsible for promulgating records retention schedules and disposition procedures for the records of the entire unified judicial system. Under the terms of Rule of Judicial Administration Pa.R.J.A. No. 507(a), the Administrative Office of Pennsylvania Courts (AOPC) has delegated part of that responsibility to the County Records Committee and has directed Common Pleas Court Prothonotaries, Clerks of Courts, Clerks of Orphans' Courts, Registers of Wills, District Attorneys, Sheriffs, Coroners and Jury Commissioners or their Home-Rule equivalents to dispose of records in conformance with the applicable records retention schedules

and disposition procedures which have been approved by the Committee. Other unified judicial system personnel not covered by Pa.R.J.A. No. 507(a) should contact the AOPC or the State Archives for information on how to legally dispose of records.

County Records

The County Records Act defines county records as "any papers, dockets, books, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received in any office of county government in pursuance of law or in connection with transactions of public business in the exercise of its legitimate functions and the discharge of its responsibilities."

Retention periods listed in the County Records Manual apply to information in all forms and formats. The fact that information is created and stored electronically or on microfilm rather than on paper has no bearing on its retention status. All information included under the definition of a county record must be disposed of in accordance with the County Records Act and disposition procedures approved by the County Records Committee.

Procedures for the Destruction or Transfer of County Records

Records may be destroyed or transferred in conformance with the provisions of Sections 3, 4 and 4.1 of the County Records Act. According to Section 5, a county officer who disposes of public records in accordance with the provisions of the County Records Act cannot be held liable on his/her official bond or in the way of damages for loss or in any other manner, civil or criminal, because of the disposition of public records pursuant to the provisions of this act.

The act requires that, when disposing of records, county officers shall:

1. Follow the schedules and procedures prescribed by the County Records Committee as contained in the County Records Manual. It is to be understood that the records schedules authorize and recommend, but do not require the disposal of records after the expiration of approved retention periods. Unless otherwise noted, the retention periods refer to the length of time the records must be retained after filing. Microfilm copies may be substituted for both permanent and non-permanent records unless otherwise noted in the schedule.
2. Receive written consent from the Pennsylvania Historical and Museum Commission before destroying records scheduled for permanent retention which have been copied in compliance with Committee standards and guidelines, before destroying records not listed on the schedule or before transferring records to the State Archives.

Counties requesting permission to transfer or destroy records which meet these criteria must submit a records disposal certification request form in duplicate to the Commission's Division of Archival and Records Management Services. Forms may be obtained from the Division at the address at the end of this section (See Appendix II for sample). If the disposal request involves records not listed on the schedule, care should be taken to provide a complete explanation of the nature and content of the records in the area titled "Description of Record If Not On Schedule." Requests to dispose of records scheduled for permanent retention must be accompanied by appropriate microfilm quality inspection report forms relating to the disposal request. Even though a suitable microfilm copy has been made, Commission approval must be obtained before destroying or transferring permanently valuable records unless otherwise noted in the schedule.

3. Maintain a log of individual disposition actions involving non-permanent records (See Appendix II for sample). Copies of the records disposal log form shall be submitted on an annual basis to the Commission's Division of Archival and Records Management Services. Written

consent from the PHMC is not necessary before destroying non-permanent records as identified in the schedule.

Historically valuable public records are public property and should remain in public custody. Such records should be maintained in a county operated archives/records center. If a county cannot adequately care for its own historical records, provisions may be made to transfer select inactive records of historical value to the State Archives in accordance with the State Administrative Code.

Records are scheduled for permanent retention by county governments, either in the original or microfilm form (unless otherwise noted), if they have continuing administrative and legal value. Such records are also historically valuable. The fact that records are not scheduled for permanent retention in the County Records Manual does not necessarily mean they do not have any historical value or that the State Archives would not be interested in accessioning some of these records. For example, some records might be historically valuable merely because of their age, since relatively few early records have survived to the present.

Aviation Managers' Logs, individual Fire Reports, Photographs, Campaign Expense Reports, superseded Tax and Planning Maps, are examples of some short term county records which could be selected for transfer because of their historical value. Also, records which relate to obsolete county functions such as Animal Bounty Affidavits; Applications for Tavern Licenses; and Automobile, Medical and Veterinary Registers have historical value and should be maintained in an archives. Questions regarding the possible historical value of county records should be referred to the Commission's Division of Archival and Records Management Services (State Archives).

Advice and assistance in connection with the application of this Manual may be obtained by writing or calling the:

Pennsylvania Historical and Museum Commission
Division of Archival and Records Management Services
350 North Street
Harrisburg, PA 17120-0090

Telephone (717) 787-3913, 783-9874 or 783-5796