

**The Committee to Approve Schedules for the
Retention and Disposition of Official State Records
Scott Anderson, Chairman**



State Board of Cosmetology
January 14, 2009

This version supersedes all previous versions



Nevada State Library and Archives
Records Management Program

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The Committee to Approve Records Retention And Disposition Schedules for Official State Records

This Records Retention and Disposition Schedule has been approved by the Committee in accordance with NRS 239.080. The term "RDA" means Records Disposition Authorization, which is the control number given to an action by the Committee to approve official state records.

Department Name: Cosmetology. State Board of

Schedule Number: 250000

Title: Junior Operators Program

RDA#: 1991653

Description:

Reviewed: 09/18/1991

This record series consists of the license file for junior operators in the State of Nevada. The file may contain: information sheet, application, training or hours completed, place of employment and the trainer's name.

Authorized Retention:

Retain for a period of three (3) calendar years from the expiration of the license.

Authorized Disposition:

Some of these documents may contain confidential (such as the Social Security Number) or sensitive (such as personal identifying) information, and those should be destroyed in a secure manner, such as by shredding (See NAC 239.722). All other documents may be disposed of in a normal manner, such as by dumping or recycling.

Title: Licensing Files

RDA#: 2008037

Description:

Reviewed: 01/14/2009

These records document the application, renewal process and monitoring of individuals receiving licenses (See NRS 644.190 et seq. and NAC 644.046 et seq.). The record may contain but is not limited to:

- * Original application documentation
- * Renewal applications with associated documentation
- * Informational documentation on the licensee
- * Contact information (including home and business)
- * Related correspondence
- * Similar documentation

Authorized Retention:

Retain the original application documentation and the records covering the two most recent renewals for four (4) calendar years after the final expiration of the certification, registration or license. Any educational transcripts and similar documents may be returned to the applicant after completion of the application process.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number - SSN) or sensitive (such as personal identifying) information, and such records must be destroyed in a secure manner, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722). All other records may be destroyed in a normal manner, such as by dumping, recycling or deleting.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Department Name: Cosmetology. State Board of

Schedule Number: 250000

Title: Schools of Cosmetology

RDA#: 1991656

Description:

Reviewed: 09/18/1991

This record series is an information file used to license and keep up to date with schools of cosmetology throughout the State of Nevada. In accordance with NRS 644.380 any person desiring to conduct a school of cosmetology in which any one or combination of the occupations of cosmetology are taught must apply to the board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the board. The file may contain: a detailed floor plan of the proposed school, the name, address and number of the license of the manager or person in charge and of each instructor, evidence of financial ability to provide the facilities and equipment required by regulations of the board and to maintain the operation of the proposed school for at least one year, proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students, the annual license fee, the name and address of the person designated to accept service of process. It may also contain financial reports, proof of insurance bonding, inspection sheets, correspondence and other related documents.

Authorized Retention:

Retain for a period of three (3) calendar years from the expiration of the license.

Authorized Disposition:

Some of these documents may contain the federal Tax ID Number or other sensitive information, and should be destroyed in a secure manner, such as by shredding (See NAC 239.722). All other documents may be disposed of in a normal manner, such as by dumping or recycling.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

The Committee to Approve Schedules for the Retention and Disposition of Official State Records

NRS 239.073 et seq.

Scott Anderson, Chairman

Retention Guidelines

A Records Retention and Disposition Schedule identifies the minimum time period the listed records must be retained in accordance with NRS 239.080, meaning records disposition must not occur before this retention time period expires. When the minimum retention period has been met, the recommended disposition of the records, such as destruction or transfer to the State Archives, may be initiated. You are advised to implement regular, routine disposition procedures and not to "selectively retain" some records longer than others. Certain events called "disposition holds" may occur that will require a stop to the regular destruction or dumping of records.

Disposition Holds include:

Audits.

When an audit of your agency is begun, all destruction of records in your legal custody must cease. During the audit process, records should be made available to the auditors subject to confidentiality laws. Upon the completion and resolution of the audit, the agency may begin to dispose of records in accordance with the approved records retention and disposition schedule.

Investigations.

When you are notified by a regulatory authority, a law enforcement agency, a court of record, the governor, the Legislature or other similar oversight entities that an investigation is being conducted, all records must be preserved until the investigation is over. You should consult with your legal counsel and/or the Attorney General's Office for specific advice.

Litigation.

When an agency receives notification or reasonably anticipates that a lawsuit has been filed against (or in behalf of) them, they should immediately stop the destruction or dumping of records and consult their legal counsel and/or the Attorney General's Office. The agency must comply with Federal Rule of Civil Procedure 26. All records pertaining to the litigation should be identified, separated from other files and protected. All destruction of records pertaining to the lawsuit must be stopped until the legal action has been resolved. When the litigation has been concluded (your legal counsel can advise you of this), all of the records pertaining to the lawsuit must be retained as required by an Agency Specific Records Retention Schedule or one of the General Records Retention and Disposition Schedules. Your legal counsel may advise you not to destroy any records in the legal custody of the agency until after the disposition of the litigation. You should seek the advice of your legal counsel. Records Management staff are also available for consultation on these issues.

Disposition Guidelines

Most records may be disposed of by normal means, such as recycling or deleting. Some record types are identified on retention schedules as "confidential" (See NRS 239.010) or "restricted" (See NRS 239C.090). These records must be destroyed in a secure manner that will prevent reconstruction or retrieval of the information (See NAC 239.722 for details). However, many other records may contain "sensitive" information that has not been declared by law or regulation to be confidential. Some types of "sensitive" information are described in NRS 205.4617 "Unlawful Acts Regarding Personal Identifying Information." Since serious consequences may result if these records fell into the wrong hands you are advised to destroy these records in accordance with the guidelines identified in NAC 239.722. If you are in doubt about the sensitivity of certain documents or about an appropriate disposal method, you should contact your legal counsel, the Attorney General's Office, or a records management officer.