

Agency Specific Records Retention and Disposition Schedule

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

Agency Name: Environmental Health Specialists, State Board of Registered

This records retention and disposition schedule supersedes all previous versions.

This agency must also meet the requirements on the *General Records Retention and Disposition Schedules* (NRS 239.080). The most current version is available through the Records Management Program and at: <http://dmla.clan.lib.nv.us/docs/nsla/records/instruct/genrec.htm>.

Agency Number: 450100

Version Date:

Title: **Registrant Files**

RDA Number: 2005002

Description:

This record series is used to administer the registration of environmental health specialists in accordance with NRS Chapter 625A. The files may contain: applications, continuing education documentation, copies of certificate of registration, renewal forms with supportive documentation, documentation of disciplinary actions (including hearings, motions, appeals, etc.), related correspondence and similar documents.

Authorized Retention:

Retain the core application documents and the documentation for the last three most current renewal cycles for a period of three (3) calendar years after expiration, revocation or suspension of the certification, permit or license.

Authorized Disposition:

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

Legal Citations for Confidential or Sensitive Information:

42 U.S.C. § 405 (c)(2)(C)(viii) [SSN], NRS 205.4617 (Identity Theft), AB 334 (2005 Session) [SSN] and SB 347 (2005 Session) [Personal Identifying Information].

References:

NRS Chapter 625A and NAC 625A.

Retention Guidelines.

A Records Retention and Disposition Schedule identifies the minimum time period the listed records must be retained, per NRS 239.080, meaning records disposition must not occur before this 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 (i.e., Disposition Holds) may occur that will require a stop to disposition procedures.

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 that a lawsuit has been filed against (or in behalf of) them, they should immediately consult their legal counsel and/or the Attorney General's Office. 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 tossing. 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, per the guidelines identified in NAC 239.722 and, if they are in electronic format, 239.760 (4). 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 per the guidelines identified in NAC 239.722 and/or 239.760. 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.