

DIVISION CIRCULAR 11
(N/A)

DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES

EFFECTIVE DATE: JULY 1, 2004

DATE ISSUED: JUNE 18, 2004

(Rescinds Division Circular #11, "Records Retention and Destruction", issued April 1, 1999)

- I. TITLE: RECORDS RETENTION AND DESTRUCTION**
- II. PURPOSE:** To establish procedures for the retention and destruction of records.
- III. SCOPE:** This circular applies to components of the Division and agencies under contract with or regulated by the Division.
- IV. POLICIES:**
 - A. All Division components shall retain records in compliance with the General Record Retention Schedule for State agencies and/or record retention schedules approved by the Division of Archives and Records Management (DARM).
 - B. Each unit of the Division shall have on file a specific recordkeeping schedule, if applicable, as approved by the DARM.
 - C. Strict confidentiality shall be maintained in accordance with Division Circular #30 (N.J.A.C. 10:41-2).
 - D. The client record shall be the property of the Division.

V. GENERAL STANDARDS

- A. Definitions – For the purpose of this circular, the following terms shall have the meaning defined herein.
- “Discharge” means the individual is no longer receiving services from the Division.
- “General Records Retention Schedule for State Agencies” means a schedule approved by the State Records Committee for retention and destruction of common records maintained by various State agencies.
- “Specific Records Retention Schedule” means a schedule for retention and destruction of specific records not included in the General Records Retention Schedule.
- B. When a person leaves a provider agency, all client records shall be immediately returned to the Division. A provider agency may keep a discharge summary with an outline of the time the person was with the agency and general services provided.
- C. The destruction of Division agency and client records is governed by the Destruction of Public Records Act (N.J.S.A. 47:3-15 et seq.) Permission must be obtained from DARM in order to destroy records listed on the Records Retention Schedule.
- D. The Administrator, Management Services within the Central Office of the Division shall be the liaison with the DARM. All questions should be referred to the Administrator, Management Services.
- E. No state official or provider agency shall be held liable for damages for loss, or in any matter, civil or criminal (N.J.S.A. 47-3-22) if records have been destroyed in accordance with the records retention schedule with proper authorization.
- F. Other than the client record, all records pertaining to the services provided by an agency under contract with or regulated by the Division shall be maintained according to the Department of Human Services Contract Policy and Information Manual.
- G. All client records shall be maintained for at least 10 years after the death or most recent discharge of the person. In the case of a discharged minor, such records shall be kept for 10 years following

the last date of discharge or until the minor reaches the age of 23 years, whichever is the longer period of time.

- H. In the case of a deceased minor, the record shall be kept for 10 years following the date of death.
- I. In instances of actual or anticipated litigation, claim negotiation, or audit initiated during the retention period, the records shall be retained until the completion of the action even though the retention period has been exceeded.

VI. PROCEDURES

A. Records Retention Schedules

1. A copy of the General Records Retention Schedule for State Agencies may be obtained from the Administrator, Management Services.
2. Requests for a specific Records Retention Schedule shall be submitted to the Administrator, Management Services who shall forward the request to the DARM.
3. Electronic records shall be retained in accordance with this circular.
4. Microfilm may be used as a substitute for official paper records and shall be retained in accordance with this circular.
5. Any deletions or additions to the record retention schedule shall be made by the DARM.

B. Educational Records - If educational records are provided to a Division component, as an informational copy, those educational records shall become part of the Division's client records and shall be released in accordance with this circular.

C. Destruction of Records

1. In order to destroy records, the component shall submit to DARM a "Request and Authorization of Records Disposal" form.

2. Paper records may be destroyed by shredding. Electronic, audio and visual tapes shall be destroyed by being erased.
3. Manual shredding of paper is acceptable. At a minimum, the document may be torn into quarters. Additional tearing of paper may be required to ensure that no client identifying information remains intact on the torn pieces.
4. Microfilm may be destroyed by shredding.

D. Records Storage

1. Records may be stored as arranged by the Administrator, Management Services.
2. A Records Transfer Request Form shall be completed by the Division component.

James W. Smith, Director