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# POLICY MANUAL

## RECORDS RETENTION POLICY

Effective Date: October 15, 2014

### I. POLICY OVERVIEW/DESCRIPTION

The operational and administrative records of the Kellogg-Hubbard Library are important assets. This policy is meant to establish the requirements for record maintenance and disposition, including setting a clear schedule for destruction of records, identifying records to be maintained permanently, and ensuring that privacy standards are met. As a 501c3 organization, the Kellogg-Hubbard Library is not subject to public records laws.

This policy is for internal operations only. Library Administrators serve as the custodians for all records and are responsible for their ultimate disposition. They may delegate and establish procedures for records management as necessary. Retention periods for additional records may be temporarily set by Library administrators, subject to review by the board of trustees for addition to the retention schedule.

This policy applies to all records in all formats created during business at Kellogg-Hubbard Library. Maintaining electronic records presents unique challenges and Kellogg-Hubbard Library staff are charged with ensuring that these records are accessible throughout their lifespan, by appropriately ensuring systems in place are reliable and secure, backed up regularly and that data is migrated to new systems as necessary.

This policy applies to original records owned by the Library; notes, drafts and copies of records are transitory in nature and should be destroyed when they are no longer needed. In cases where the original record is held by another entity but can be retrieved as needed by Library staff, there is no need to maintain a copy of the record on site. Records generated by patrons' use of third-party platforms are addressed in the Privacy and Confidentiality Policy.

### II. RETENTION SCHEDULE

Specific documents, identified below, are subject to a retention schedule and should not be destroyed until the expiration of the schedule.

If the Library has notice of the existence of claim against it, receives a litigation hold letter, or has other reason to believe its records are relevant to investigation, litigation, or potential litigation (i.e. a dispute that could result in litigation), then Library Administrators should preserve those records until counsel to the Library has advised that the records are no longer needed. This exception supersedes any previously or subsequently established destruction schedule. If there is a question about whether a document should be retained or destroyed, it should be referred to the relevant library administrator.

While this schedule sets minimal retention requirements for Library records, records of ongoing historical value should be assessed by the Director of Library Services and retained permanently.

### Accounting Records

Record Type	Retention	Comment
Annual budgets	Permanent	Financial Document
Annual financial statements	Permanent	Financial Document
Auditor's reports	Permanent	Financial Document
Audit supporting material	Close of audit, then 7 years	Financial Document
Bank statements, deposit slips and cancelled checks	Close of fiscal year, then 7 years	Financial Document
Documentation of financial transactions (accounts payable/accounts receivable)	Close of fiscal year, then 7 years	Financial Document
Inactive donor information/donation records	Close of fiscal year, then 7 years	Financial Document
Donation records establishing endowment funds and donations of significantly restricted funds	Permanent	Financial Document
General journal and ledgers (maintained in QuickBooks)	Permanent	Financial Document
Grant records (applications, financial information, supporting material, reports)	Retain until close of grant, then 7 years. Retain significant reports permanently.	Statute of limitations for contracts is 6 years. 12 V.S.A. § 511
Investment account statements	Close of fiscal year, then 7 years	Financial Document

Tax records, including IRS determination letters and 990 filings	Permanent	No statute of limitations for tax fraud.
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### Administrative and Legal Records

Record Type	Retention	Comment
Articles of Incorporation	Permanent	Also retained by the Secretary of State
Board and Committee Agendas	Not retained	Incorporated in minutes
Board minutes, including supporting material	Permanent	
Bylaws	Permanent	
Committee meeting minutes	Permanent	
Conflict of Interest Forms (trustee)	Duration of trustee tenure, then 7 years	
Contracts	Until expired, then 7 years	Statute of limitations for contracts is 6 years. 12 V.S.A. § 511
General Correspondence & email	Retain until no longer needed	
Real Estate Deeds and Bills of Sale	Permanent	Deeds also recorded by City Clerk's office
Employee handbook	Until superseded, then 7 years	In VT Law, handbooks may be treated as contracts
Policies	Until superseded, then 3 years	VSARA schedule for municipal libraries
Procedures	Until superseded, then 3 years	VSARA schedule for municipal libraries
Job Descriptions	Until superseded, then 3 years	
Publications (newsletters, published reports, etc.)	Permanent for KHL historical records.	Statute of limitations for defamation is 3 years from discovery.
Strategic plans and other high-level planning documentation	Permanent for KHL historical records.	
Substantive legal or financial correspondence	Permanent	

## Building & Insurance Records

Record Type	Retention	Comment
Accident reports and settled claims against KHL's umbrella insurance policy	Close of claim, then 7 years	Statute of limitations for contracts is 6 years. 12 V.S.A. § 511
Building maintenance plans	For the life of the asset (or permanent)	
Fire inspection and safety reports	Close of fiscal year, then 7 years	
Insurance policies	Permanent	May have coverage for late claims.
Major Building project plans and files	Permanent	To support claims from latent defects in construction.

## Patron Records

Record Type	Retention	Comment
Annual Statistics	Permanent	
Inactive Patron Records	5 years from last transaction	We only keep patron data strictly necessary for operations. 22 V.S.A. § 171
Patron Checkout History	Not retained	We only keep patron data strictly necessary for operations. 22 V.S.A. § 171
Incident and Accident Reports	Until litigation is complete, then 5 years	Check with insurer for length of time to bring a claim
Meeting Room Booking records & Contracts	Close of calendar year. Retain usage statistics.	We only keep patron data strictly necessary for operations. 22 V.S.A. § 171
No Trespass Orders	Until no longer in effect, then 1 year	
Patron Registration forms	Until all data is entered into the relevant software system. Additional borrower information is retained until the relevant account is expired for 5 years.	We only keep patron data strictly necessary for operations. 22 V.S.A. § 171

Requests for Reconsideration	Until resolved, then 5 years	
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### Personnel Records

Record Type	Retention	Comment
Chemical and toxic exposure records	Upon knowledge of exposure. Consult counsel to assess risk on an individual basis.	Statute of limitations on personal injury is 3 years, but for children it doesn't begin until age 18.
Employee benefits plans (health, dental, retirement, etc.)	Full period that the plan is in effect, then 7 years	Statute of limitations for ERISA plans is 6 years from distribution of summary plan description.
Employment search records (including applications, eligibility verification, and postings)	7 years from decision date	FEPA statute of limitations is 3 years for emotional distress and 6 years for economic loss.
Employment Tax records (including filings, employee W-4 forms, etc)	4 years after filing the 4 <sup>th</sup> quarter for the year	
I-9 Forms	3 years after the date of hire, or one year after termination, whichever is later	
Payroll records, timecards, work schedules and records of additions or deductions from wages	4 years	Statute of limitations is 3 years for a willful violation of federal wage & hours statute. 29 U.S.C. § 255

Personnel and employment records	7 years from termination date	FEPA statute of limitations is 3 years for emotional distress, 6 years for economic loss.
Records of job injuries causing loss of work	Close of case, then 7 years	The injured worker must give notice of injury as soon as practicable and file a compensation claim within 6 months after date of injury. Counts as action in contract and follows contract statute of limitations.

Records that explain the basis of pay (such as collective bargaining agreements and employee contracts)	Until expired, then 7 years	Statute of limitations for bargaining agreement is 30 days from knowledge to grieve. For non-union employees, the statute of limitations is 6 years.
Workers' Compensation decisions and documentation	Close of case then 9 years	If brought to judgement, an action to enforce a judgement may be brought within 8 years.
Whistleblower Reports	Until any litigation is complete, then 5 years	

### Program and Publicity Records

Record Type	Retention	Comment
Flyers and other publicity materials	Until superseded. Keep one print or electronic copy to archive for historical reasons at administrator discretion.	Potential defamation risk. 12 V.S.A § 512. Keep at least 4 years
Events calendars	Calendar year then 4 years	
Event Photos	Permanent for substantive photos.	
Program sign-up sheets	Until program is complete, then destroy	We only keep patron data as strictly necessary for operations. 22 V.S.A. § 171
Informational Brochures	Until superseded. Keep one print or electronic copy to archive.	
Library Produced Social Media Content	4 years from publication	Potential defamation or invasion of privacy risk. 12 V.S.A § 512.
Art Exhibit Agreements	Close of the calendar year, then 1 year.	

### III. CONFIDENTIALITY OF RECORD

## Patron Records

In accordance with 1 V.S.A. § 317 (c)(19) and 22 V.S.A. § 172 records relating to the identity of library patrons or the identity of library patrons in regard to library patron registration records and patron transaction records are exempt from public inspection and copying except with the written permission of the library patron to whom the records pertain; to officers, employees, volunteers, and agents of the library to the extent necessary for library administration purposes; in response to an authorized judicial order or warrant directing disclosure; to custodial parents or guardians of patrons under age 16; and to the custodial parents or guardians of a student, in accordance with the federal Family Education Rights and Privacy Act, by the library at the school the student attends. See the *Privacy and Confidentiality Policy* for more information.

## Personnel Records

Personnel files and staff benefit files shall be kept in secure locations, accessible to only appropriate Library administrators. I-9 forms shall be maintained in a separate, locked file accessible only to the Nonprofit Director.

## IV. SUPPORTING DOCUMENTS AND RESOURCES

This policy relies on information and standards established by

1. Recordkeeping requirements under the Fair Labor Standards Act.
2. 1 V.S.A. § 317 (c)(19), 22 V.S.A. § 172, 12 V.S.A § 512, 12 V.S.A. § 511, 9A V.S.A. § 2-725, 29 U.S.C. § 255,
3. The IRS Compliance Guide for 501 (c) (3) Public Charities
4. Council of Nonprofits: Document Retention Policies for Nonprofits.
5. Vermont State Archives and Records Administration General Record Schedules and Agency Specific Record Schedule for Municipal Library, Board of Trustees.
6. Age Discrimination in Employment Act
7. US Equal Employment Opportunity Commission
8. US Citizenship and Immigration Services

## V. REVISION HISTORY

This policy supersedes any Library policies and practices in existence prior to its effective date. All earlier revisions of this document are superseded by this revision.

Date	Revision #	Modification
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2026-01-21	5	Retention schedule updated.
2023-11-15	4	Updated to make a small edit.
2022-11-16	3	Updated upon review by Library counsel. Comments section added.
2020-9-16	2	Policy updated and amended to include supporting documents and to include electronic records formats.
2014-10-15	1	New policy approved by Kellogg-Hubbard Library Board of Trustees.