



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

RECORDS RETENTION AND DISPOSITION SCHEDULE

This schedule governs the retention of the records of the Office of the Governor. Many of these materials are available on websites, including the Governor's website (<http://www.governor.ny.gov/>) and the New York State Legislative Retrieval System. Records covered by this retention schedule must be retained for the minimum retention period as specified in this schedule, regardless of format. For more information about the Freedom of Information Law and the public's right to gain access to government records, please see the website for the Committee on Open Government (<http://www.dos.ny.gov/coog/index.html>).

1. AGENCY MATTERS

This section covers records relating to the agencies, commissions and rulemaking.

Record Series Title and Description	Retention Period	Final Disposition
<u>General Agency</u> General files maintained for records and information on State agency activities, projects and issues. Files may include briefings, research, analyses, resource material, opinions, recommendations, reports and correspondence.	Retain in office until file inactive	Do not retain
<u>General Agency – Concurrences</u> Original copy of concurrence form requesting the Governor’s signature with a copy of the original document.	Retain in office until end of administration	Do not retain
<u>Weekly Report</u> Weekly compilation of advice, opinions and recommendations concerning State agencies and authorities.	Retain in office for 1 year	Do not retain
<u>Cabinet Presentations</u> Copies of electronic presentations made at open Cabinet meetings.	Retain in office until end of administration	Retain
<u>Commission Reports</u> Copies of reports and other information issued by commissions, task forces, councils and other entities established by Executive Order.	Retain in office until end of administration	Retain
<u>Notices of Proposed Rulemaking</u> Notices of proposed rulemaking submitted by an agency or authority to the Regulatory Review Unit (RRU) and recommended to the Executive Chamber by RRU for publication in the State Register. Files include background material and meeting notes.	Retain in office until rule adopted	Do not retain
<u>State Land Classification</u> Governor’s approval of State land classification, pursuant to Executive Law § 816, proposed by the Adirondack Park Agency. File includes Board resolution and attachments, background material, notes, and draft and final copies of Governor’s approval letter.	Retain in office until end of administration	Retain

<p><u>Civil Service Resolutions</u> Governor's approval of resolutions adopted by the State Civil Service Commission, pursuant to the State Administrative Procedure Act, making changes to the Appendices of the Rules for the Classified Service. File includes background and requests and comments from State agencies and public employee unions, if any.</p>	<p>Retain in office until end of administration</p>	<p>Retain</p>
<p><u>NYPA Power Allocation Contracts</u> Contracts recommended for Governor's approval by the New York Power Authority (NYPA) allocating hydropower to recipients, and Governor's approval letter.</p>	<p>Retain in office until end of administration</p>	<p>Retain</p>
<p><u>State Operations Directives</u> Memoranda and guidance to Chamber staff and heads of agencies and authorities from the Director of State Operations.</p>	<p>Retain in office until end of administration</p>	<p>Retain</p>
<p><u>New York City Watershed</u> Notices required to be filed with the Governor pursuant to the 1997 New York City Watershed Memorandum of Agreement.</p>	<p>Retain in office until file inactive</p>	<p>Retain</p>
<p><u>Findings of Suitability for Early Transfer of Property Under CERCLA § 120(h)(3)(c)</u> Governor's concurrence on findings statement by Federal officials that Federal land is suitable for early transfer even though all remedial action is not complete under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). File includes background material from the Federal government and recommendation from NYS Department of Environmental Conservation.</p>	<p>Retain in office until end of administration</p>	<p>Retain</p>
<p><u>Ethics</u> Files containing opinions provided by Chamber Ethics Counsel and requests for opinions from the Joint Commission on Public Ethics and opinions provided therefrom.</p>	<p>Retain in office until end of administration</p>	<p>Retain</p>

2. APPOINTMENTS

This section covers records relating to the appointment by the Governor of people to agencies, boards and commissions.

Record Series Title and Description	Retention Period	Final Disposition
<u>Confidential Files</u> Files contain appointments questionnaire and highly sensitive personal information, including criminal history check and financial and tax information relating to individuals appointed to positions and applicants for positions.	Retain securely in office until end of administration	Do not retain
<u>Board/Commission Files</u> Files contain information relating to status of membership on boards or commissions appointed by the Governor directly or with Senate confirmation. Includes appointment processing form, members' resumes, appointment and take-off letters, resignations, and recommendations from legislators. Also includes Orange Card containing chronological listing of members.	Retain in office until board or commission eliminated or until relevant board member resigns	Retain in office; do not retain selected contents with personal information
<u>Nomination Certificates</u> Final text of nomination certificates, date stamped, filed with the Senate for confirmation of an appointment made by the Governor.	Retain in office until end of administration	Retain
<u>Confirmation Certificates</u> Duplicate original of certificate recording Senate confirmation of individual nominated for appointment by the Governor.	Retain in office until end of administration	Retain
<u>Appointment Letters</u> Copies of letters sent to State Comptroller and individual notifying them of Senate confirmation of individual's nomination by Governor for appointment.	Retain in office until end of administration	Retain
<u>Budget Director Approvals (BDA)</u> File contains BDA form, agency justification, duties description, agency head certification, minimum qualifications, resume, appointments processing form, copy of Appointments Office approval, DOB approval.	Retain in office until individual leaves that State position	Do not retain
<u>Judicial Screening Candidates</u> Files contain judicial appointment questionnaire submitted by candidates seeking judicial appointment and other materials.	Retain in office for 3 years	Do not retain

<u>Judicial Screening Committees</u> Files contain contact and other information relating to each Judicial Screening Committee.	Retain in office until committee members' departure from committee	Do not retain
<u>Judicial Screening Committee Reports</u> Files contain the Judicial Screening Committees' confidential reports on candidates finding them highly qualified.	Retain in office until end of administration	Do not retain
<u>Designation Certificates</u> Files contain copies of Governor's certificate designating a NYS Supreme Court Justice to the Appellate Division and to Presiding Justice of a Department of the Appellate Division.	Retain in office until end of administration	Retain
<u>Daybook and Nomination Certificates</u> Files contain letters informing public officials of Governor's nominations and designations of individuals to judicial office and copies of Governor's certificate filed with NYS Senate nominating an individual for confirmation to a judicial appointment.	Retain in office until end of administration	Retain

3. CORRESPONDENCE AND INFORMATION

This section covers records relating to the activities and communications between the Governor's Office and constituents and local officials.

Record Series Title and Description	Retention Period	Final Disposition
<u>Governor's Correspondence</u> Database of and original letters to and from the Governor managed by the Governor's Correspondence Office.	Retain in office until end of administration	Retain
<u>Lieutenant Governor's Correspondence</u> Database of and original letters to and from the Lieutenant Governor managed by the Office of the Lieutenant Governor.	Retain in office until end of administration	Retain
<u>Press Releases</u> Electronic file of press releases issued by the Governor.	Retain in office until end of administration	Retain

4. EXECUTIVE ACTIONS

This section covers records relating to the Governor's executive actions.

Record Series Title and Description	Retention Period	Final Disposition
<u>Proclamations, Citations, Certificates and Messages</u> Copies of proclamations, citations, certificates and messages issued by the Governor, including the State of the State and annual budget presentation, on own initiative or upon request.	Retain in office until end of administration	Retain
<u>Investigations</u> Files contain Governor's requests for investigation pursuant to Executive Law § 63.	Retain in office until end of administration	Retain
<u>Executive Orders</u> Copies of original Executive Orders filed with Department of State.	Retain in office until end of administration	Retain
<u>Extraordinary Session Proclamations</u> File contains copies of original Proclamations filed with Department of State.	Retain in office until end of administration	Retain
<u>Special Election Proclamations</u> File contains each Proclamation issued by the Governor, and transmittal letters to the Secretary of State and Board of Elections.	Retain in office until end of administration	Retain
<u>Messages of Necessity</u> File contains requests from Legislature for a Message of Necessity pursuant to NY Constitution Art III, § 14 and Constitution Art VII, § 5 and copy of the Message filed with the Legislature.	Retain in office until end of administration	Retain
<u>Reprieves, Commutations and Pardons</u> File contains each Proclamation issued by the Governor for reprieves, commutations and pardons.	Retain in office until end of two-year Legislature	Retain

5. GOVERNOR'S ACTIVITIES

This section covers records relating to the Governor's public affairs and communications, including events and activities.

Record Series Title and Description	Retention Period	Final Disposition
<u>Photographs</u> Photographs of Governor's public events as available.	Retain in office until end of administration	Retain
<u>Videos</u> Videos of Governor's public events as available.	Retain in office until end of administration	Retain
<u>Speeches</u> Audio recordings of Governor's public speeches as available.	Retain in office until end of administration	Retain
<u>Governor's Schedule</u> Governor's schedule as posted.	Retain in office until end of administration	Retain
<u>Governor's Invitations</u> Original invitations to Governor to attend events and database containing invitations to Governor to attend events.	Retain in office until end of administration	Do not retain
<u>Lieutenant Governor's Schedule</u> Lieutenant Governor's schedule.	Retain in office until end of administration	Retain
<u>Lieutenant Governor's Invitations</u> Original invitations to Lieutenant Governor to attend events and database containing invitations to Lieutenant Governor to attend events.	Retain in office until end of administration	Do not retain

6. LEGISLATION

This section covers records relating to proposed and enacted legislation.

Record Series Title and Description	Retention Period	Final Disposition
<u>Legislation</u> General files maintained for tracking legislation and negotiating amendments, including to the Budget, with the Legislature, including agency and Chamber staff recommendations.	Retain in office until file inactive	Do not retain
<u>Ten Day Memoranda</u> Memoranda providing legal and policy advice on legislation that has been delivered to the Governor for approval or veto.	Retain in office until end of administration	Do not retain
<u>Session Law Bill Jackets</u> Files containing bill, sponsors' memoranda, vote tally, comments, Counsel letters to sponsors and sponsors responses, and Approval and Veto Messages.	Retain in office until transferred to State Archives	Retain
<u>Ledger Books</u> Hard cover Ledger Book documenting: (a) chapter numbers assigned to each bill that becomes law, (b) veto numbers assigned to each bill that is disapproved by the Governor and (c) the delivery of vetoes to Legislature.	Retain in office until end of two-year Legislature	Retain
<u>Program Bills</u> File contains internal signoff sheet and copy of Program Bill and Memorandum submitted to the Legislature for introduction.	Retain in office or State Records Center until end of administration	Retain; do not retain sign-off sheet
<u>Budget Bills</u> File contains internal signoff sheet and copy of Budget Bill and Memorandum submitted to the Legislature for introduction.	Retain in office or State Records Center until end of administration	Do not retain
<u>Departmental Bills</u> File contains internal signoff sheet and copy of bill and memorandum submitted to the Legislature for introduction, as well as the Fact Sheet submitted by agency to Executive Chamber for consideration.	Retain in office or State Records Center until end of administration	Do not retain
<u>Veto Messages</u> File contains copy of Veto Messages sent to Legislature with bill that is vetoed by Governor.	Retain in office until end of two-year Legislature	Retain

<u>Approval Messages</u> File contains copy of Approval Message typically but not always included in Bill Jacket transferred to State Archives.	Retain in office until end of two-year Legislature	Retain
<u>Pen Signature Authorizations</u> File contains memoranda from Governor's Counsel authorizing use of pen signature machine for signature of Governor and Secretary to the Governor.	Retain in office until end of administration	Do not retain

7. LITIGATION AND FOIL REQUESTS

This section covers records relating to litigation and FOIL requests.

Record Series Title and Description	Retention Period	Final Disposition
<u>Litigation</u> File contains a copy of papers received commencing litigation involving the Governor or other Executive Chamber staff and final papers submitted to court. File includes copy of referral letter to the Attorney General.	Retain in office until appeal time concludes; to State Records Center for 10 years	Do not retain
<u>Litigation Log</u> Electronic log of papers received commencing litigation against the Governor or other Executive Chamber staff.	Retain in office until end of administration	Retain
<u>FOIL Requests</u> Requests for records under Freedom of Information Law and Executive Chamber responses.	If requestor does not file an administrative appeal, retain for 1 month after expiration of time to appeal; if requestor files an administrative appeal, retain for 5 months after conclusion of appeal; if requestor files an Article 78 proceeding, retain until 1 month after expiration of time to appeal or resolution of appeal by court of last resort	Do not retain

8. TRIBAL AFFAIRS

This section covers records relating to tribal relations and issues.

Record Series Title and Description	Retention Period	Final Disposition
<u>Native-American Affairs</u> General files maintained related to Native-American affairs.	Retain in office until file inactive	Retain

Notes

1. Active files are maintained in Executive Chamber unless specified otherwise.
2. This records retention and disposition schedule will supersede and replace any other records retention and disposition schedules of the Executive Chamber.
3. Form acknowledgement letters from and mass mailings to the Governor will not be retained.
4. Where retention period is until end of administration, but file is needed for transition, retain in office for transition.
5. Where retention period is until end of administration, and file is not needed for transition, disposition may commence prior to end of administration.
6. Governor may elect to designate any record of historical significance for Governor's Papers collection.
7. Executive Chamber administration files are maintained pursuant to the Records Management Procedures of the Division of the Budget.
8. The websites are to be archived at the end of administration.
9. According to the NYS Archives, "[m]any e-mail communications are not records and are therefore suitable for immediate destruction. Those messages and attachments which are records should be maintained in appropriate electronic or paper files and disposed consistent with applicable authorizations for those records." For this reason, the NYS Archives' standard instruction is that e-mails should be deleted "after messages and attachments are opened and records have been saved in appropriate electronic or paper file." See the General Retention and Disposition Schedule for New York State Government Records at http://www.archives.nysed.gov/a/records/mr_pub_genschedule_accessible.html. The Executive Chamber adopts the NYS Archives' policy with respect to e-mails but goes further to state that all electronic communications, whether by e-mail, text, or Blackberry pin, will fall under this policy and will be retained consistent with this records retention and disposition schedule if they constitute records. It is the content and not the form or method of the communication that governs retention.