

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
General Agency 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
General Agency – Concurrences 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
Weekly Report 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
Commission Reports 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
Notices of Proposed Rulemaking 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
State Land Classification 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

Civil Service Resolutions	Retain in office until end of	Retain
Governor's approval of resolutions adopted by the State Civil	administration	Rotain
Service Commission, pursuant to the State Administrative	dammistration	
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.		
NYPA Power Allocation Contracts	Retain in office until end of	Retain
Contracts recommended for Governor's approval by the New York	administration	Retain
Power Authority (NYPA) allocating hydropower to recipients, and	administration	
Governor's approval letter.		
State Operations Directives	Retain in office until end of	Retain
Memoranda and guidance to Chamber staff and heads of agencies	administration	Retain
and authorities from the Director of State Operations.	administration	
	Retain in office until file	Retain
New York City Watershed Notices required to be filed with the Covernor purpose to the		Retain
Notices required to be filed with the Governor pursuant to the	inactive	
1997 New York City Watershed Memorandum of Agreement.	D	
Findings of Suitability for Early Transfer of Property Under	Retain in office until end of	Retain
CERCLA § 120(h)(3)(c)	administration	
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.		
Ethics	Retain in office until end of	Retain
Files containing opinions provided by Chamber Ethics Counsel	administration	
and requests for opinions from the Joint Commission on Public		
Ethics and opinions provided therefrom.		

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

Judicial Screening Candidates Files contain judicial appointment questionnaire submitted by candidates seeking judicial appointment and other materials.	Retain in office for 3 years	Do not retain
Judicial Screening Committees Files contain contact and other information relating to each Judicial Screening Committee.	Retain in office until committee members' departure from committee	Do not retain
Judicial Screening Committee Reports Files contain the Judicial Screening Committees' confidential reports on candidates finding them highly qualified.	Retain in office until end of administration	Do not retain
Designation Certificates 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
Daybook and Nomination Certificates 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
Governor's Correspondence	Retain in office until end of	Retain
Database of and original letters to and from the Governor managed	administration	
by the Governor's Correspondence Office.		
Lieutenant Governor's Correspondence	Retain in office until end of	Retain
Database of and original letters to and from the Lieutenant	administration	
Governor managed by the Office of the Lieutenant Governor.		
Press Releases	Retain in office until end of	Retain
Electronic file of press releases issued by the Governor.	administration	

4. EXECUTIVE ACTIONS

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

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

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
Photographs	Retain in office until end of	Retain
Photographs of Governor's public events as available.	administration	
Videos	Retain in office until end of	Retain
Videos of Governor's public events as available.	administration	
Speeches	Retain in office until end of	Retain
Audio recordings of Governor's public speeches as available.	administration	
Governor's Schedule	Retain in office until end of	Retain
Governor's schedule as posted.	administration	
Governor's Invitations	Retain in office until end of	Do not retain
Original invitations to Governor to attend events and database	administration	
containing invitations to Governor to attend events.		
Lieutenant Governor's Schedule	Retain in office until end of	Retain
Lieutenant Governor's schedule.	administration	
Lieutenant Governor's Invitations	Retain in office until end of	Do not retain
Original invitations to Lieutenant Governor to attend events and	administration	
database containing invitations to Lieutenant Governor to attend		
events.		

6. LEGISLATION

This section covers records relating to proposed and enacted legislation.

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

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

7. LITIGATION AND FOIL REQUESTS

This section covers records relating to litigation and FOIL requests.

Record Series Title and Description	Retention Period	Final Disposition
Litigation	Retain in office until appeal	Do not retain
File contains a copy of papers received commencing litigation	time concludes; to State	
involving the Governor or other Executive Chamber staff and final	Records Center for 10 years	
papers submitted to court. File includes copy of referral letter to		
the Attorney General.		
Litigation Log	Retain in office until end of	Retain
Electronic log of papers received commencing litigation against	administration	
the Governor or other Executive Chamber staff.		
FOIL Requests	If requestor does not file an	Do not retain
Requests for records under Freedom of Information Law and	administrative appeal, retain	
Executive Chamber responses.	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	

8. TRIBAL AFFAIRS

This section covers records relating to tribal relations and issues.

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

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.