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August 13, 2018

**SUBJECT: APPOINTMENT OF RECORDS OFFICERS AND AUTHORIZED AGENTS**

**PURPOSE**

The Delaware Public Archives (Archives) is issuing this policy, “Appointment of Records Officers and Authorized Agents,” for use by all agencies in state and local government in Delaware. The purpose of this policy is to provide agencies with a set of uniform best practices and the statutory requirements for managing an agency’s information and record assets and to ensure the preservation, retention and access to public records.

**BACKGROUND**

Delaware Public Records Law, [29 Del. C. c. 5](#), provides the Archives the legal authority to administer, implement and enforce all provisions of the Delaware Public Records Law and designates this agency as the repository for the archival records of this State and all political subdivisions thereof.

Title [29 Del. C. § 501](#) states, “public records are essential to the administration of state and local government. Public records contain information that allows government programs to function, provide officials with a basis for making decisions and ensure continuity with past operations. Public records document the legal responsibility of government, protect the rights of citizens and provide citizens with a means of monitoring government programs and measuring the performance of public officials. State and local government records also reflect the historical development of the government and of the citizens that it serves. Such records need to be systematically managed to ensure preservation of historically valuable materials, to provide ready access to vital information and to promote the efficient and economical operation of government.”

In addition, [29 Del. C. § 504](#) requires “... every public official and employee to adequately document the transaction of public business and the services and programs for which such persons are responsible; to retain and adequately protect all public records in their custody; [and] to cooperate with the Delaware Public Archives and records officers in the establishment and maintenance of an active and continuous program for the economical and efficient management of public records.”

**I. APPOINTMENT PROCESS**

- A. In accordance with Delaware Public Records Law, each state agency and political subdivision of this state will:
  - 1. Designate at least one Records Officer to serve as the liaison with the Archives for the purpose of implementing and overseeing a records management program and coordinating legal dispositions, including destruction of obsolete records. Additional Records Officers may be appointed to support the mission requirements of the organization (the use of additional forms may be required).
  - 2. The appointment of state agency Records Officers shall be made by the respective heads of each agency
  - 3. The Appointment of Records Officers for local governments shall be made by the chief administrative official of such political subdivision.
- B. Each state agency and local government will provide the Archives with a list of duly appointed Records Officers and Authorized Agents (RO&AA), by submitting a completed copy(s) of the [RO&AA Appointment Form](#) by July 1 of each year. If appointment notifications are not received by this date, ARCHIVES services will be interrupted until an updated appointment notification is received. The form used to appoint an agency’s RO&AA may be located on the [Archives Website](#); select “Government Services and Records Management,” then “Records Management Forms.”

- C. The agency is responsible for keeping the Archives informed of changes in Records Officers and Authorized Agents and a new RO&AA Appointment Form may be required. The Archives may interrupt service until an updated appointment notification is received.
- D. The appointed officers and agents will be authorized to:
  - 1. Request the transfer of records to or from the Archives/State Records Center for transitory or permanent storage, or for information retrieval; and
  - 2. Request record destruction.
- E. Authentication of Requestors: Individuals requesting access to records belonging to agency and who have not been identified on an RO&AA Appointment Form, by the record's originating Agency, will be referred to the originating agency's records officer.

## II. RECORDS OFFICERS

- A. The agency Records Officer performs the function of liaison with Archives regarding agency records administration. This includes requests for all records retention scheduling, storage, document imaging, information retrievals, and destruction services. Additionally, the agency Records Officer is responsible for working with Archives for the control of all agency publications as mandated by [29 Del. C. § 519](#).
- B. Specific duties of Records Officers:
  - 1. Serve as the agency's primary Point of Contact for requesting services from the Archives and for the dissemination of information on records management topics and Archives policies and procedures.
  - 2. Collaborate with the Archives Information Resources Specialist (analyst) assigned to their agency in the development and maintenance of agency records retention schedules.
    - a. The inventory phase of the retention scheduling process is usually conducted by agency personnel who have direct custody of the records with assistance/supervision/review from the records officers and the Archives analyst.
    - b. The records officer ensures that the Archives receives complete record series inventory information and that all scheduling decisions have received full agency review by the agency head prior to submission to Archives.
  - 3. Submit requests to the Archives for all records storage and destruction services. This involves the completion of proper forms and verification that records have been prepared and boxes labeled per Archives guidelines.
    - a. Ensure that Destruction Notices have been reviewed by appropriate agency personnel to verify satisfactory completion of all audit requirements. Also, ensure that there are no pending legal actions concerning or relating to the records requested for destruction.
    - b. Serve as the primary point of service for information requests made by individuals and outside organizations requesting agency documentation that is maintained by the Archives on the agency's behalf. The agency's Records Officer will submit requests to the Archives on behalf of their constituency.
  - 4. Comply with the Archives' Delaware Documentation program to ensure the proper recording and transfer to Archives of two copies of each agency publication as required by [29 Del. C. § 519](#).
  - 5. Designate agency personnel to act as authorized agents for signing Transfer Documents (TD), Destruction Notices (DN), and Record Service Forms need to transfer or request records to and from the Archives/State Records Center and to forward agency publications.
- C. Records Officer Termination. Upon the resignation/termination of an agency records officer, the agency head must appoint a new records officer in writing to the Archives prior to any further records requests to the Archives.

### III. AUTHORIZED AGENTS

- A. Authorized Agents are designated by the agency head and/or records officer to assist the Records Officer in performing records management functions such as processing Transfer Documents (TD), Destruction Notices (DN), and Record Service Forms. Authorized Agents may:
  - 1. Transfer and request records to and from the Archives/State Records Center: Only requests submitted by those persons whose names appear on the authorized agent's roster will be accepted by Archives.
  - 2. Request authorizations for record destruction: Destruction Notices must be reviewed by appropriate agency personnel to verify satisfactory completion of all audit requirements and to verify that there are no pending legal actions concerning or related to the records requested for destruction.
  - 3. Submit agency publications to the Archives.
- B. Agency staff personnel designated as authorized agents must present photo identification when requesting service of records at Archives and must sign for the records upon receipt.

Effective November 16, 1990

**Revised:** August 13, 2018

**References:**

[Delaware Public Records Law: Title 29, Chapter 5](#)

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