



Department of Insurance Agency Specific Records Retention Schedule

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**DEPARTMENT OF INSURANCE
AGENCY SPECIFIC
RECORDS RETENTION SCHEDULE**

2018 Edition

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A. INTRODUCTION

It is the duty of the Delaware Public Archives (DPA) to administer, implement and enforce all provisions of the Delaware Public Records Law. In order to fulfill its obligation to the citizens of this state, the DPA is fully committed to providing assistance, expertise, and guidance to agencies to ensure that their records are properly managed and disposed of using collaboratively developed and legally binding guidelines. These procedures are outlined in the Retention Schedule Instructions.

Contained within this document are the approved Department of Insurance Agency Specific Records Retention Schedules that list the records commonly used by the division and section of the Department of Insurance. This schedule is used in conjunction with the State General Records Retention Schedule.

The Department of Insurance Agency Specific Records Retention Schedule is categorized by its function (e.g. Administrative-Fiscal, Bureau of Company Examination, Rehabilitation and Guaranty, Captive Insurance , Consumer Services, Medical Malpractice, Arbitrations, Fraud Investigations, Elder Information, Market Regulation, and Workplace Safety Program) and by type (Series). Unless otherwise indicated, each agency is responsible to retain the original record copy that they create. Retention periods listed in this schedule supersede those found in previous versions of the General Records Retention Schedules. If a record series is not located on one of the retention schedules within this document or on an agency specific retention schedule, please contact the Information Resource Specialist (Analyst) that is assigned as the liaison to your agency.

The listed retention periods are the minimums necessary under normal conditions. However, they do not override federal or state law, litigation requirements or good judgment. Records may need to be retained beyond the recommended retention periods due to audits, litigation, or changes in legal statute (see Audit/Legal/Statutory Requirements). Records required beyond the recommended retention periods must be retained until cleared by the appropriate authority. As a reminder, Delaware Public Records Law requires the consent of the State Archivist prior to the disposal of any state agency records ([29 Del. C. §504](#)).

The DPA has assigned an Information Resources Specialist (Analyst) to each state agency ([see Agency Assignments](#)). The agency Analyst is a valuable asset that should be consulted frequently regarding policies and procedures or to provide technical advice to the agency's management team, records officers or authorized agents. Furthermore, the DPA recommends that agencies survey their record collections on an annual or semi-annual basis in order to identify records that may be moved to off-site storage, destroyed, or imaged in compliance with the General Records Retention Schedule and Agency Specific Retention Schedules. By following the retention instructions as set forth by retention schedule, an agency may achieve significant savings in space and labor, ensure the preservation and security of valuable documents, and protect against liability for improper handling of official records.

B. HOW TO USE THIS PUBLICATION

The Agency Specific and State General Records Retention Schedule contain the listing of common records series used by the Department of Insurance and State of Delaware agencies. As noted in the introduction, the instruction provided within this schedule reflects the minimum length of time a record series shall be retained by the agency, the DPA, or in certain cases by both. Records Officers and Authorized Agents should contact their DPA Information Resources Specialist regarding any questions concerning records created or maintained by their agency (see [Agency Assignments](#)).

The following suggestions will be helpful when using this publication:

- 1. To be successful at records management, the Agency Specific and State General Retention Schedules will become the most referenced document in your agency's program.** Their purpose is to provide instruction on the how long to retain records and the statutory or business practice requirements.
- 2. Become familiar with the Agency Specific and State General Records Retention Schedules.** The Agency Specific and State General Records Retention Schedules are divided into sections according to the category of record, (e.g., accounting and financial, administrative, electronic, and personnel).
- 3. Review the Agency Specific and State General Records Retention Schedules and Locate all records used by your agency and section.** If a record cannot be located within a record series in the General Records Retention Schedule or the agency's records retention schedule, contact the Information Resources Specialist so that the record may be analyzed and added to the agency's schedule.
- 4. Identify the records that have met their recommended retention period.** Insure that all audit requirements have been met and litigation proceedings finalized prior to destruction (see [Audit/Legal/Statutory Requirements](#)).
- 5. Do not destroy any records until you receive a copy of the Destruction Notice that is signed by the State Archivist, authorizing the destruction.** Agencies will receive an official notification of all approvals or denials.
- 6. List records eligible for destruction on a [Destruction Notice](#).** Record titles should be worded exactly the same as listed on the retention schedule. The Destruction Notice must be authorized/signed by the records officer, authorized agent or agency head. This authorization certifies that all the records listed, have met all state and federal audits requirements, all audit reports have been accepted, and all issues resolved. Furthermore, that no legal actions are pending to which the records may pertain. In addition, it certifies that all images generated from the records have been verified for completeness and accuracy. The Destruction Notice must be emailed to the DPA. For more information, please refer to the DPA publication: [User's Guide for Destruction](#)
- 7. Make a Content List (inventory) of all the records that are eligible for transfer to the State Records Center for storage, or the State Archives for permanent preservation.** Review the records using the appropriate Retention Schedule and then complete a Content List (this is a Microsoft Excel Spreadsheet that is created by the Government Service section of DPA) and the [Transfer Document](#). Email the Transfer Document and the Content List (Excel spreadsheet) to the agency's DPA analyst or the Analyst Team mailbox (AnalystTeam@state.us.de) to coordinate arrangements for the transfer of records. For more information, please refer to the following DPA publications for further information regarding the transfer of records: [Preparation of Records for Transfer to DPA](#), [User' Guide to Storage and Use of Archives Boxes](#), and [User's Guide for Transfer](#).
- 8. Records that are eligible for document imaging must be prepared according to DPA procedures.** Contact your DPA Analyst if you have questions regarding these procedures. For more information, please refer to the following DPA publications for further information regarding the transfer of records: [User's Guide for Imaging Support Request Form](#).
- 9. Confidential records shall be destroyed in a manner that ensures no breach of confidentiality will occur.** The DPA offers destruction services for confidential records, this service requires an approved [Destruction Notice](#).
- 10. Examine any and all of your agency's storage areas.** Older records are frequently discovered in attics, basements, closets, stairwells, sheds, vaults, warehouses, etc.
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C. SCHEDULE FORMAT

Below is an explanation of the format of the Records Retention Schedule:

Series #.	<p>Series Numbers are alphanumeric designations assigned by an Information Resource Specialist (DPA Analyst) to identify the agency's records (Record Series).</p> <p>Example using the State Agency General Accounting and Finance Retention Schedule: GAF-003 is the Series Number for the series title: ACCOUNTS RECEIVABLE</p>
Series Title and Description	<p>The Series Title is the title most commonly used by an agency to identify records or items based on their filing arrangement or how they are maintained as a unit. The Description identifies typical documents found within the record; it explains their function, purpose and possible relationships to other records and organizations.</p> <p>Example using the State Agency General Accounting and Finance Retention Schedule: ACCOUNTS RECEIVABLE. Records concerning the status of accounts in which the state is owed money by firms or individuals. Consists of account receivable reports and Invoices (IN) used to issue billings and/or to record anticipated revenues. Includes amounts owed on an open account to a governmental unit by any other unit of state government...</p>
Confidential / Vital	<p>Confidential: Confidential records are records that are not open to the public in order to protect the privacy rights of individuals or the security arrangements of locations, persons, places and items as defined by law. Federal and State statutes and regulations determine a record's confidentiality status. Restrictions to public inspection of confidential records may apply to the entire record or to discrete portions of information enclosed in the record. It is the agency's responsibility to identify records containing confidential information. Confidential records should always be handled to ensure the security of the information within.</p> <p>Vital: Vital Records are those records that are required to ensure that an agency is able to function during an emergency, disaster, and recovery operations. Furthermore, they are records that are crucial to protecting the legal and financial rights and interests of an agency and of the individuals directly affected by its activities. The agency is responsible for identifying which of their records are vital. The primary protection method for vital records is through duplication and dispersal. These records should be identified in record backup plans, contingency plans, migration strategies (eRecords), to ensure measures are in place to safeguard these records. (e.g. COOP)</p>
Retention and Instructions	<p>Specific instructions directing the minimum retention period and disposition actions for each record series. Instructions indicate length of time that the record should be retained by the agency, the location of the records, and the events or time-period that must occur before disposition of the record series can be effected. Retention periods must abide by the minimum of time determined by state and federal statute; however, records may be retained longer as warranted by best business practices. Exceptions to the retention instructions are noted.</p>
Date Approved/ Revised	<p>Date that the record series was added or revised.</p>
Agency Notes	<p>Notes regarding the development of a retention schedule that include Statute requirements and other references to assist the agency records officers and management teams in future development or modification of the schedule</p>
Retention Schedule Modification History	<p>Provides a brief history of the record retention schedule, including the development and modification may occur to the record series.</p>

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D. BENEFITS OF RECORDS MANAGEMENT

Centralized management of records is essential in government agencies. Effective records management programs enable agencies to:

- Identify and protect vital records
- Identify records with enduring value (archival records), that track the development of government policy
- Improve customer support
- Improve the performance of storage and retrieval systems through files management.
- Improve the accountability of public funds.
- Increase the efficiency and productivity of office operations through better accessibility and faster retrieval ability
- Reduce the costs associated to support record storage: equipment, supplies, office space, and personnel.
- Reduce information duplication and waste by standardizing processes within an agency so personnel know where and how information is stored and how it may be retrieved
- Reduce the legal liability risks by keeping records according to retention schedule
- Reduce the volume of records stored by destroying records that have reached the end of their retention and transferring permanent records to archives
- Apply available technologies to manage electronic records that can improve both information handling and public service delivery
- Reduce the amount of electronic records and thereby reducing the total costs of ownership associated with paying fees for backups, maintenance, migration, recovery and infrastructure support

Government records document the conduct of public business and are the "memory" of government. They contain information on the administration of public policies and programs, the decision-making process, development, and origin. Furthermore, government records provide a means for monitoring activities and programs, accountability, document, protect the rights of citizens, and define the obligations of governments.

E. AUDITS AND STATUTORY REQUIREMENTS

Audit Considerations:

Records subject to successful audit must be retained for the periods listed in the State General Records Retention Schedules or in any Agency Specific Retention Schedules. During that period, the records must be audited, and have all questioned expenditures, procedures, or other issues noted in the audit report, satisfactorily resolved and/or all recommendations for changes have been implemented and approved by all applicable federal and state agencies.

If state and federal funds are commingled on a project, then the longer retention applies. After all audit requirements have been met, those documents having a permanent retention status should be imaged or transferred per retention schedule instructions.

Agencies are responsible for knowing all audit requirements and other specific program regulations that apply to their records. This information should be obtained from the agency/grantor that is administering, funding, or licensing the program or grant. An all-encompassing retention description cannot be stated in every case. Refer to the terms of the state or federal grant.

Legal and Statutory Considerations:

Federal and state statutes and administrative regulations are subject to change. When this occurs, agencies may be required to retain certain records for a longer period than indicated in the retention schedules. In these cases, the administrative code, statutory, or regulatory requirement take precedence to the retention schedule instructions ([29 Del. C. §524](#)). Additionally, agencies must contact their assigned DPA Information Resource Specialist to update their retention schedule so that it complies with the applicable legal statutes.

Records that are involved in any legal action must be retained until after exhaustion of all legal appeals, challenges and remedies, even if they have met the minimum retention requirements.

Confidential Records:

Records may be deemed confidential by statute or by the personal nature of the information contained therein. Records designated as confidential on the General Records Retention Schedule or agency retention schedule should be maintained and handled in a manner that will ensure that the confidentiality of the information is not breached. If a record's confidential information cannot be separated from information that is not confidential, the whole file or series should be maintained and handled as a confidential series. Not all record series can be identified on the General Records Retention Schedule as confidential. It is the agency's responsibility to determine the confidentiality of these records and maintenance thereof. Confidential records transferred to DPA for storage, document imaging or preservation must be identified.

F. NON-RECORD MATERIAL

Non-record materials are not “record” in character because they do not serve to document the function, policies, decisions, procedures, operations, finances or other activities of the organization.

When in doubt: When it is difficult to decide whether files are record or non-record materials, you should treat them as records. You should consult with DPA to determine the record or non-record status of a particular file.

Non-record materials may include:

- Blank forms
- Duplicate Copies: duplicates of any documents or publications kept solely for convenience and ease of reference
- Business Catalogs, trade journals, and other similar publications or papers that are not created by the agency, require no action, and are not part of a record series upon which action is taken
- Government Publications (External) or processed materials that are received from another activity or office that require no action and are not required to support any other documentation (the originating office is required to maintain record copies)
- Government Publications (Internal) or processed material inventories for which an official copy has been already been retained by the agency for record purposes (See Delaware Documentation)
- Sample letters and Templates (samples/templates of letters used by the agency that contain no real information)

Shredding (crosscut) is the approved method of destruction for records containing confidential or sensitive information (e.g. names, addresses, DOB, financial data, SSN, etc.). Once records are shredded, they may be recycled.

It is highly recommended that non-records materials be maintained separate from the official records to avoid confusion. An agency’s records management program should include a process that regularly scrutinized records to remove non-record materials.

G. GLOSSARY OF RECORDS MANAGEMENT TERMS

ACCESS

The archival term for authority to obtain information from or to perform research in archival materials.

ACCESSION

(v.) To transfer physical and legal custody of documentary materials to an archival institution.

(n.) Materials transferred to an archival institution in a single accessioning action

ACTIVE RECORD

A record needed to perform current operations; It is frequently used and usually retained at the agency.

ADMINISTRATIVE VALUE

The usefulness of a record to the originating group in the conduct of its business or daily operations.

AGENCY

An office, department, board, commission, or other separate unit of county, state or municipal government, regardless of branch (executive, legislative, or judicial).

APPRAISAL

The process of determining the value and disposition of records based on their current administrative, evidential, fiscal, informational, and legal value; their arrangement; and their relationship to other records. This appraisal is conducted jointly by the agency and a DPA analyst using the [Record Series Inventory Form](#).

ARCHIVAL VALUE

The enduring worth of documentary materials for continued preservation in an archival repository. May also be referred to as historical, continuing, or enduring value.

ARCHIVES

1. The records created or received and accumulated by a person or organization in the course of the conduct of affairs, and preserved because of their historical or continuing value
2. The agency responsible for selecting, preserving, and making available records determined to have permanent or continuing value.
3. The building in which an archival repository is located. See also DELAWARE PUBLIC ARCHIVES.

AUDITS

Audits examine the management and financial operations of an agency. Audits measure the economy and efficiency with which agency operations are managed; how program results are achieved; and program effectiveness. They also verify compliance with laws, regulations, and internal policies in carrying out programs. Audits may also recommend improvements in the management and conduct of state and local government programs and activities. It is the agency's responsibility to identify records requiring audits and maintain awareness of the audit status. Agencies may contact the State Auditor of Accounts office for the status of state audits.

COMPUTER OUTPUT MICROFILM (COM) See Micrographics

CONFIDENTIAL RECORDS

Confidential records are records that are not open to the public in order to protect the privacy rights of individuals or the security arrangements of locations, persons, places and items as defined by law. Federal and State statutes and regulations determine a record's confidentiality status. Restrictions to public inspection of confidential records may apply to the entire record or to discrete portions of information enclosed in the record. It is the agency's responsibility to identify records containing confidential information.

CONSERVATION

Treatments that stabilize, repair, or restore deteriorated records to a usable condition. Also means the transfer of information from a deteriorating recording medium to a more stable recording medium (Migration).

CONVENIENCE COPY / READING FILE:

Unofficial files; duplicates of any documents or publications kept solely for ease of reference

COPIES:

The Official Copy of a record should be designated whenever possible if copies are made. A copy of a record does not always give it non-record status. Several copies of a single form may have record status because each serves a separate program purpose. Multiple copies of an original record are typically categorized as non-record materials.

CUBIC FEET

Measurement of volume for records, archives, and manuscripts. A cubic foot (cu. ft. or c.f.) is 1' x 1' x 1'. To determine a cubic foot measure the dimensions of the container's length, width and height in inches and input them into the following formula: **(Length x Width x Height) / 1728**

CUSTODY

The guardianship of records, archives and manuscripts which may include both physical possession (protective responsibility) and legal title (legal responsibility).

DELAWARE PUBLIC ARCHIVES

The Delaware Public Archives is hereby constituted the central depository for the reports, publications, rules and regulations of the government of this State and all political subdivisions thereof. [Title 29 Delaware Code § 519.](#)

DESCRIPTION

A list of representative records in the records series, or a clarification of the title in a retention schedule.

DISPOSITION

The final action that puts into effect the results of an appraisal decision for a series of records. E.g. transfer to the archives for permanent preservation, transfer to a records center, or destruction.

DOCUMENT

Recorded information, regardless of form or medium, with three basic elements: base, impression, and message. Frequently used interchangeably with record or documentary materials.

ELECTRONIC RECORDS

An electronic record is a record that is stored, generated, received, or communicated by electronic means for use by, or storage in, an information system or for transmission from one information system to another. Electronic record formats include, but are not limited to, word processing documents, spreadsheets, databases, emails, websites, audio, and video files, etc. NOTE: The content of a record, not the medium, determines whether a record constitutes a public record.

ELECTRONIC MAIL

Electronic mail are text documents which are created, stored, and delivered in an electronic format. As such, email messages are similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters. Email may also contain features commonly associated with traditional records systems. They include calendars, directories, distribution lists, and attachments such as word processing documents, spreadsheets, or images that are incorporated into an email message. Also referred to as E-mail.

EVIDENTIAL VALUE

The value of records or papers as documentation of the operations and activities of the records-creating organization, institution, or individual

FINDING AID

A description or list from any source that provides information about the contents, location, and nature of documentary materials

FISCAL VALUE

Records used to document an agency's financial decisions and activities. These records are critical in supporting the agency while undergoing audits.

GENERAL SCHEDULE

A records retention schedule which specifies the disposition of certain series of records common to many offices or agencies within the same organization or type of government. See also RETENTION SCHEDULE.

HISTORICAL RECORDS

Records that will be a community resource for historical and genealogical research, exhibits, publications, teaching aids, long-term legal documentation, or other activities. The long-term usefulness of a record for historical or other research determines whether a record will be kept permanently.

INFORMATION RESOURCE SPECIALIST:

A duty position within the Delaware Public Archives that is also referred to as a Records Analyst. This person is responsible to coordinate records management functions (e.g. policies and procedures, create schedules, and training) with an agency's Records Officers to ensure compliance with the State of Delaware's Public Records Law.

LEGAL VALUE

Records that document or support an organization's business agreements, ownership rights, or that document the rights of citizens.

LIFE CYCLE

Records pass through identifiable phases from the point of their creation, through their active maintenance and use, to their final disposition by destruction or transfer to an archival institution or records center.

MICROFILM

Reduced scale, photographic record of documentary materials.

MICROGRAPHICS

The technology involved in the creation and use of microfilm media, including reels, fiche, and computer output microfilm (COM).

NON-RECORD MATERIAL

Material that is not record in character because it comprises solely library or other reference items, because it duplicates records and provides no additional evidence or information, or because its qualities are non-documentary.

OPTICAL CHARACTER RECOGNITION (OCR)

Process used to capture, recognize, and translate printed alphanumeric characters into machine readable and searchable text.

PERMANENT RETENTION

Indicates need for continued retention of record due to its long-term administrative, legal, fiscal, or historical value.

PRESERVATION

Action taken to slow or prevent the deterioration or damage of archival records. Basic actions to provide adequate facilities for the protection, care, and maintenance of archives, records, and manuscripts.

PUBLIC RECORDS

Any document, book, photographic image, electronic data recording, paper, sound recording or other material regardless of physical form or characteristics, including electronic records created or maintained in electronic information systems, made, used, produced, composed, drafted or otherwise compiled or collected or received in connection with the transaction of public business or in any way related to public purposes by any officer or employee of this state or any political subdivision thereof.

PURGING

The process of examining files to identify and selectively remove, non-record materials and documents of short-term value, especially those eligible for immediate destruction. Also known as screening and weeding files.

RECORDS CENTER (STATE)

A facility designed and constructed to provide low-cost efficient storage and reference service for inactive records pending ultimate disposition. In this case, the State Record Center is synonymous with the Delaware Public Archives.

RECORD GROUP

Organizationally related records established on the basis of origin with particular regard for the complexity and volume of the records and the administrative history of the record-creating institution or organization.

RECORDS MANAGEMENT

The application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposition of records, undertaken to reduce costs and improve efficiency in record-keeping. Includes management of filing and imaging equipment and supplies; filing and information retrieval systems files; correspondence, reports, and forms management; historical documentation; imaging; systems applications; retention scheduling; and vital record identification and protection.

RECORDS OFFICER

The person(s) whose responsibilities include the development and oversight of an agency's records management programs. [29 Delaware Code § 502\(9\), 504\(a\)\(3\), 506, and 521\(b\) & \(c\).](#)

RECORD SERIES

Records, files or items arranged in accordance with a filing system or maintained as a unit because they result from the same accumulation or filing process, the same function, or the same activity; have a particular form; or because of some other relationship due to their creation, receipt, or use. An example of a Records Series, using the State Agency General Personnel Retention Schedule, is GPR-005: PERSONNEL RECORD, DEPARTMENTAL. It is the Master personnel record for each employee established and maintained by the appointing authority of each agency. This series is a file unit that is comprised of many items but maintained as a single unit out of operational necessity.

RECORDS SERIES INVENTORY

1. A detailed listing that may include the types, locations, dates, volumes, equipment, classification systems, and usage data of an organization's records.
2. The breaking down of each record to capture all pertinent information about the record for use in its appraisal

RETENTION INSTRUCTIONS

Specific instructions directing the minimum retention for each record series. Remarks indicate length of time that the record should be retained by the agency and the events or time periods that need to occur before disposition of the record series can be effected. Exceptions to the retention instructions are noted.

RETENTION SCHEDULE

A list of record series which describes an agency's records; establishes a **minimum** period for their retention by the agency, and provides mandatory instructions on what to do with them when they are no longer needed for current business. Also called records disposition schedule, records control schedule, records retention schedule, records retention and disposition schedule, or schedule.

SCHEDULE

To establish retention periods for current records and provide for proper disposition at the end of their active use.

SECURITY COPY

Copy of a vital record that is stored for security purposes in a location apart from the original records. Used to restore data in case of an emergency or disaster.

VITAL RECORDS

Vital Records are those records that are required to ensure that an agency is able to function during an emergency, disaster, and recovery operations. Furthermore, they are records that are crucial to protecting the legal and financial rights and interests of an agency and of the individuals directly affected by its activities. The agency is responsible for identifying which of their records are Vital.

Working Papers. Working papers are Records. Do not confuse "Non-records" with "working papers". Working papers are public records assembled or created in the preparation of other records, and are needed to trace actions, steps, and decisions covered in the final or master record. These may include rough notes or calculations used in the preparation of audits, budgets, studies, or reports that are not fully represented in the final product. They support the final product, but are not fully represented by the final product and may offer important evidence concerning how the final product was derived.

Credits: Portions of this glossary were retrieved from the National Archives, [Archives Library Information Center \(ALIC\)](#) [Table of Contents](#)

AGENCY ASSIGNMENTS
(08/04/2017)

Delaware Public Archives has assigned an Information Resources Specialist (IRS) to each state and local government agency. The following list of agency assignments identifies the responsible IRS and their e-mail and office phone. Please contact your assigned IRS regarding policies and procedures, office consultations or for technical advice.

NOTE: There are separate general schedules for State agencies, schools and local governments.

Amber Clendaniel

(amber.clendaniel@state.de.us) (744-5043)

1205 Supreme Court
1215 Justice of the Peace Courts
1217 Superior Court / Prothonotary
1220 Court of Common Pleas
1225 Court of Chancery
1227 Family Court
1560 Department of Justice
1561 Public Defender
1605 Department of Correction
1660 Department of Public Safety/Homeland Security
1801 Delaware National Guard
1914 Board of Parole
1920 Criminal Justice Council
1923 DELJIS

Marian Coker

(marian.coker@state.de.us) (744-5064)

1380 Department of Agriculture
1432 Delaware State Housing Authority
1500 Department of Health and Social Services
1501 Department of Services for Children, Youth and Their Families (KIDS)
1540 Department of Transportation
1620 Department of Natural Resources and Environmental Control
1932 Delaware Solid Waste Authority

Jean Townson

(jean.townson@state.de.us) (744-5045)

0920 Delaware River and Bay Authority

Local Government Records -

2--- New Castle County
3--- Kent County
4--- Sussex County
5--- NCC Municipalities
6--- KC Municipalities
7--- SC Municipalities

Corey Lucas

(corey.lucas@state.de.us) (744-5006)

1580 Department of Labor
1953 Fire School / Fire Marshal
8005 Department of Education
8--- School Districts
8300 Delaware State University
8400 Delaware Tech
8500 University of Delaware

Kit Carson

(rodney.carson@state.de.us) (744-5021)

1107 Legislative Council/Controller General
1111 General Assembly Sunset Committee
1115 House
1120 Senate
1302 Governor
1304 Lt. Governor
1305 Office of Management and Budget
1308 Department of Technology and Information
1310 Treasurer
1315 Auditor
1320 Insurance
1322 Elections
1325 Department of State
1400 Department of Human Resources
1460 Department of Finance

I. RECORDS MANAGEMENT ON-LINE RESOURCES

Access To Records	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Information Resource Specialist (Analyst) Assignments	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Appointment of Records Officers and Authorized Agents	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Common Rule for Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments (OMB Circular A-102) Audits of States, Local Governments, and Non-Profit Organizations (OMB Circular A-133)	http://www.whitehouse.gov/omb/circulars_index-slg/
Delaware Documentation Procedures	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Delaware Statutes <ul style="list-style-type: none"> • Freedom of Information Act • Public Records Law • Uniform Electronic Transactions Act 	http://delcode.delaware.gov/title29/c100/index.shtml http://delcode.delaware.gov/title29/c005/sc01/index.shtml http://delcode.delaware.gov/title6/c012a/index.shtml
Delaware Public Archives Forms	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Destruction <ul style="list-style-type: none"> • Items Prohibited in Destruction Boxes • Records Transfer and Destruction Boxes 	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Electronic Records <ul style="list-style-type: none"> • Model Guidelines for Electronic Records • Suitable Media and Formats for Submitting eRecords • Electronic Mail • Guidelines for Maintaining and Preserving Records of Web-based Activities 	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Guidelines for Utilizing Paper and Computer Output Conversion Services	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Records Retention / Disposition Projects Cubic Foot Conversion Chart	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Transfers <ul style="list-style-type: none"> • Preparation of Records for Transfer to DPA • Guidelines for Utilizing Records Storage Facilities 	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Users Guides For: <ul style="list-style-type: none"> • Appointment Orders • Destruction • Imaging Support • Record Series Inventory • Record Service Requests • Transfers 	http://archives.delaware.gov/govsvcs/govsvcs.shtml
Vital Records Management	http://archives.delaware.gov/govsvcs/govsvcs.shtml

J. INDEX TO RECORD SERIES

Administration-Fiscal

Contract Examiner Lists and Logs	INSAF-003
Notice of Surplus Lines Transaction Reports and Surplus Lines Broker Tax Reports	INSAF-001
Premium Tax and Fees Report Forms	INSAF-002

Bureau of Company Examination, Rehabilitation, and Guaranty

Admissions / Charter Files	INSBRG-002
Annual Statements	INSBRG-001
Certificates of Authority / License (Active / Inactive / Revoked)	INSBRG-003
Certified Public Accountant Audits (Domestic Companies)	INSBRG-008
Financial Analyst Review Files	INSBRG-010
Financial Examinations (Domestic Companies)	INSBRG-007
Holding Company Registration Statements	INSBRG-004
Securities Lists	INSBRG-011
Service of Process Files	INSBRG-006
Solicitation Permit Files	INSBRG-009

Captive Insurance

Captive Insurance Company Files	INSCAP-001
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Consumer Services, Medical Malpractice, Arbitrations

Arbitration Files	INSCS-002
Consumer Services Case File	INSCS-001
Lists of Physicians, Attorneys and Lay Persons	INSCS-006
Malpractice Claim Reports	INSCS-003
Medical Malpractice Evidence	INSCS-004
Pending Medical Malpractice Review Panel List	INSCS-005

Elder Information

Client Files	INSELD-002
State Health Insurance Assistance Program (SHIP) Grant Files	INSELD-001

Fraud Investigation

Investigation Files	INSFI-001
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Market Regulation

Agent/Agency Applications (Form 2A) (Active/Inactive)	INSMR-002
Agent Continuing Education Reports	INSMR-003
Company Appointment and Termination Files (Active/Inactive)	INSMR-001
Insurance Forms and Rates Filings	INSMR-004
Market Conduct Company Exam Reports	INSMR-005
Market Conduct Producers Case Files	INSMR-006

Workplace Safety Program

Application Files	INSW-001
Billing and Inspection Reports	INSW-003
Certified Workers Compensation Safety Inspectors Lists	INSW-004
Client Files	INSW-002

K. DEPARTMENT OF INSURANCE AGENCY SPECIFIC RECORDS RETENTION SCHEDULE

Schedule Name

Revision Date

Administrative-Fiscal	October 2013
Bureau of Company Examination, Rehabilitation and Guaranty	October 2013
Captive Insurance	October 2013
Consumer Services, Medical Malpractice, Arbitrations	May 2015
Elder Information	June 2014
Fraud Investigations	April 2018
Market Regulation	October 2013
Workplace Safety Program	October 2013

STATE OF DELAWARE
DELAWARE PUBLIC ARCHIVES

Record Group: 1320
Agency: Insurance Commissioner
Division: Administration-Fiscal

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSAF-001 (INS-010)	NOTICE OF SURPLUS LINES TRANSACTION REPORTS AND SUPRPLUS LINES BROKER TAX REPORTS This series includes transaction reports containing named insured, location, effective date, term, company, policy number, type of coverage, gross premiums, and tax on those premiums. A: Transaction Reports and Quarterly Tax Reports B: Annual Tax Reports	CONFIDENTIAL Title 18 § 314	A: Transaction Reports and Quarterly Reports: Retain at Agency until annual report has Successful Internal Audit: Destroy B: Annual Tax Reports: Retain at Agency 7 Years: Destroy	
INSAF-002 (INS-011)	PREMIUM TAX AND FEES REPORT FORMS Multi-part quarterly/annual return showing amounts of insurance premiums collected by companies operating in Delaware and the tax assessed on those premiums. Also includes annual wet marine insurance tax forms. A: Quarterly Reports B: Annual Reports	CONFIDENTIAL Title 18 § 314	A: Quarterly Reports: Retain at Agency until annual report has Successful Internal Audit: Destroy B: Annual Reports: Retain at Agency 7 Years: Destroy	
INSAF-003 (XINS-002)	CONTRACT EXAMINER LISTS & LOGS Show employer identification number, company name, invoice number, billing/deposit dates and amounts due and paid for exam, Certified Public Accountant and surcharge	CONFIDENTIAL Title 18 § 314	Retain at agency Three years; Successful Audit; Destroy.	

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Agency Notes:

1. [Delaware Public Records Law is Title 29, Chapter 5](#)
2. [Delaware Insurance Code Title 18](#)
3. [Delaware Regulations : Administrative Code : Title 18](#)
4. The Department of Insurance is audited every five (5) years by the National Association of Insurance Commissioners (NAIC) as a part of their accreditation cycle
5. "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means
6. If data system(s) replaces hard copy and the records have differing retention periods and agency software does not readily permit selective deletion, then delete records after the longest retention period has expired.
7. Contingency backup records should be maintained apart from the master file or data system in a secure offsite facility.
8. If any data is necessary to reconstruct the master file or required for audit, it should be listed on an agency approved records retention schedule
9. The DPA may attempt to harvest electronic records/publications via Web Harvest. Attempts by DPA to harvest records does not absolve any agency of the responsibility to identify, manage, and confirm the transfer any archival content that is contained in, or integral to, an agency's website. (see Delaware Documentation Procedures 29 Del Code, Chapter 5)
10. The use of the records management term "Destroy," that used throughout this retention schedule is synonymous with the computer term "Delete."
11. The destruction of Electronic Records requires an authorized Destruction Notice from the DPA Please refer to DPA policy
12. A record may not be destroyed before the expiration of its retention period, or if there is any litigation, claim, negotiation, audit requirement, open record request, administrative review, or other action involving the record while it exists.
13. See also Model Guidelines for Electronic Records on DPA's website for additional guidance concerning the maintenance, and disposition of electronic records.
14. [Title 6, Delaware Code, Chapter 12A § 12A-112](#). Retention of electronic records; originals, is satisfied by retaining an electronic record of the information in the record which accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and remains accessible for later reference. A record retained as an electronic record satisfies law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after July 14, 2000, specifically prohibits the use of an electronic record for the specified purpose.

Notes: Retention Schedule Modification History

Series	Title and Explanation and action taken	Retention	Date of change
INSAF-001	NOTICE OF SURPLUS LINES TRANSACTION REPORTS	Title Changed to better reflect Series;	09/16/2013
INSAF-002	PREMIUM TAX AND FEES REPORT FORMS	Retention Instructions changed to Scan to data system; Verify. Retain quarterly reports until annual returns are audited and scanned; Destroy quarterly reports and all hard copies upon successful Tax Audit. Retain annual reports at Agency in data system 7 years; destroy.	09/16/2013
INSAF-003	CONTRACT EXAMINER LISTS & LOGS	Changed Title to add Logs, Changed Series Number to remove X identifier	09/13/2013

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL/ VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSBRG-001 (INS-001)	<p>ANNUAL STATEMENTS Fiscal/statistical analyses of insurance companies submitted to the Insurance Commissioner as a requirement for doing business in the State. Show assets, liabilities, cash flow, premiums, dividends, investments, etc. Included are supplemental filings such as insurance expense exhibit, investment interrogatories and management discussion and analysis. Arranged as follows:</p> <p>A. Domestic (In-State)</p> <p style="padding-left: 20px;">1. Annual Reports and Statements of Actuarial Opinion, Actuarial Opinion Summary, RBC Reports and Supplemental Compensation Exhibit</p> <p style="padding-left: 20px;">2. Quarterly</p> <p>B. Foreign (Out-of-State)</p>		<p>Scan all Hard Copy documents into data system; Verify; Follow Retention Instructions</p> <p>Retain hard copies at agency 3 years; destroy. Retain electronic records at agency; 10 years; Destroy</p> <p>Retain at agency until no longer needed; Destroy.</p> <p>Retain at agency 1 year; Destroy.</p>	<p>Revised 10/02/2013</p>

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL/ VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSBRG-006 (INS-009)	SERVICE OF PROCESS FILES U.S. Postal Service certified receipt green card attached to a copy of the letter sent to insurance company forwarding complaint, subpoena, etc. Separate file maintained with copies of Designation of Person for Receipt of Service of Process (Forms D-1 and UCAA Form 12). Database system maintains listing of insurance company/agent, plaintiff, date of receipt, date forwarded, certified mail number and returned receipt date.		Retain at agency until entered into data system; verify; Destroy. Retain Certified Mail receipts at agency until no longer needed; Destroy Retain Designation forms at agency; replace as updated.	
INSBRG-007 (INS-012)	FINANCIAL EXAMINATIONS (DOMESTIC COMPANIES) Detailed analyses of fiscal condition of companies performed by agency-assigned examiners every five years. Include working papers and final issued reports. A. Work Papers B. Reports	CONFIDENTIAL Title 18 § 321(g)	A: Retain at agency through completion of next examination; Successful Audit; Destroy. B: Retain the 2 most recent/current final reports at agency; destroy as needed. NOTE: A: Working Papers are Confidential B: Final Reports <u>are not</u> confidential	Revised 10/02/2013
INSBRG-008 (INS-013)	CPA (CERTIFIED PUBLIC ACCOUNTANT) AUDITS (DOMESTIC COMPANIES) Copies of insurance company audits performed by independent audit firms. Sent to agency as requirement for doing business in the State.	CONFIDENTIAL	Scan hard copies into data system; verify Retain electronic records at agency through successful accreditation; Destroy Retain hard copies until no longer needed; destroy.	
INSBRG-009 (INS-019)	SOLICITATION PERMIT FILES Contains solicitation permits, prospectuses, SEC (Securities and Exchange Commission) registration and exhibits (if any).		Permits: Retain at agency until expired; Destroy. Purge prospectuses, SEC regulations and exhibits annually.	

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL/ VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSBRG-010 (INS-021)	FINANCIAL ANALYST REVIEW FILES Financial statements, CPA audits, examination reports, financial projections and holding company information gathered from a review of insurance companies chartered in Delaware by a financial analyst assigned by the Department of Insurance.	CONFIDENTIAL	Retain at agency until no longer needed; Destroy.	
INSBRG-011 (XINS-001)	SECURITIES LISTS Show names of insurance company and depository, percent, series, date, amount issued, maturity, deposited/withdrawn, balance, location of registrant, employer identification/Social Security numbers and account number.		Retain at Agency; Replace as updated.	

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Agency Notes:

1. [Delaware Public Records Law is Title 29, Chapter 5](#)
2. [Delaware Insurance Code Title 18](#)
3. [Delaware Regulations : Administrative Code : Title 18](#)
4. The Department of Insurance is audited every five (5) years by the National Association of Insurance Commissioners (NAIC) as part of their accreditation cycle
5. "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means
6. If data system(s) replaces hard copy and the records have differing retention periods and agency software does not readily permit selective deletion, then delete records after the longest retention period has expired.
7. Contingency backup records should be maintained apart from the master file or data system in a secure offsite facility.
8. If any data is necessary to reconstruct the master file or required for audit, it should be listed on an agency approved records retention schedule
9. The DPA may attempt to harvest electronic records/publications via Web Harvest. Attempts by DPA to harvest records does not absolve any agency of the responsibility to identify, manage, and confirm the transfer any archival content that is contained in, or integral to, an agency's website. (see Delaware Documentation Procedures 29 Del Code, Chapter 5)
10. The use of the records management term "Destroy," that used throughout this retention schedule is synonymous with the computer term "Delete."
11. The destruction of Electronic Records requires an authorized Destruction Notice from the DPA Please refer to DPA policy
12. A record may not be destroyed before the expiration of its retention period, or if there is any litigation, claim, negotiation, audit requirement, open record request, administrative review, or other action involving the record while it exists.
13. See also Model Guidelines for Electronic Records on DPA's website for additional guidance concerning the maintenance, and disposition of electronic records.
14. [Title 6, Delaware Code, Chapter 12A § 12A-112](#). Retention of electronic records; originals, is satisfied by retaining an electronic record of the information in the record which accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and remains accessible for later reference. A record retained as an electronic record satisfies law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after July 14, 2000, specifically prohibits the use of an electronic record for the specified purpose.

Notes: Retention Schedule Modification History

Series	Title and Explanation and action taken	Retention	Date of change
INSBRG-001	ANNUAL STATEMENTS	Removed Confidential per DAG J. Willey	10/02/2013
INSBRG-005	HOLDING COMPANY REGISTRATION STATEMENTS (cont.).	Combined with INSBRG-004	08/01/2013
INSBRG-007	FINANCIAL EXAMINATIONS (DOMESTIC COMPANIES)	Clarified Subseries Confidential Note	10/02/2013

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSCAP-001 (INS-002)	<p>CAPTIVE INSURANCE COMPANY FILES Records of Risk Retention Groups and Captive Insurance Companies: Series may include applications for admission; biographical affidavits; designations; strategic business plan; articles of incorporation; by-laws; organizational charts; capital and surplus guidelines; financial projections; actuarial feasibility studies; underwriting policies and procedures; financial statements of parent company/owners; policies; business agreements; insurance contracts; vendor contracts; clarifications; and supplemental materials.</p> <p>A: Captive Insurance Companies/Risk Retention Groups</p> <p>B: Withdrawn Applications. Includes the documents from Incomplete applications or applications of companies that withdrew their application for admission.</p> <p>DE Title 18 Chapter 69</p>	<p>CONFIDENTIAL DE Title 18 § 6920</p>	<p>Hard Copy documents: Scan to data retention system; verify; Destroy.</p> <p>The retention of Hard Copy records that are not scanned and electronic records are the same and are as follows:</p> <p>A: Captive Insurance Companies: Retain at agency permanently</p> <p>A: Risk Retention Groups: Retain at agency permanently</p> <p>B: Withdrawn Applications: Retain at agency 3 years Destroy</p>	<p>08/16/2013</p>

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Agency Notes:

1. [Delaware Public Records Law is Title 29, Chapter 5](#)
2. [Delaware Insurance Code Title 18 Chapter 69 Captive Insurance](#)
3. [Delaware Regulations : Administrative Code : Title 18](#)
4. The Department of Insurance is audited every five (5) years by the National Association of Insurance Commissioners (NAIC) as part of their accreditation cycle
5. Electronic Records maintained on Agency drive that is backed up by DTI
6. "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means
7. If data system(s) replaces hard copy and the records have differing retention periods and agency software does not readily permit selective deletion, then delete records after the longest retention period has expired.
8. Contingency backup records should be maintained apart from the master file or data system in a secure offsite facility.
9. If any data is necessary to reconstruct the master file or required for audit, it should be listed on an agency approved records retention schedule
10. The DPA may attempt to harvest electronic records/publications via Web Harvest. Attempts by DPA to harvest records does not absolve any agency of the responsibility to identify, manage, and confirm the transfer any archival content that is contained in, or integral to, an agency's website. (see Delaware Documentation Procedures 29 Del Code, Chapter 5)
11. The use of the records management term "Destroy," that used throughout this retention schedule is synonymous with the computer term "Delete."
12. The destruction of Electronic Records requires an authorized Destruction Notice from the DPA Please refer to DPA policy
13. A record may not be destroyed before the expiration of its retention period, or if there is any litigation, claim, negotiation, audit requirement, open record request, administrative review, or other action involving the record while it exists.
14. See also Model Guidelines for Electronic Records on DPA's website for additional guidance concerning the maintenance, and disposition of electronic records.
15. Retention of electronic records; originals, is satisfied by retaining an electronic record of the information in the record which accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and remains accessible for later reference. A record retained as an electronic record satisfies law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after July 14, 2000, specifically prohibits the use of an electronic record for the specified purpose. [Title 6, Delaware Code, Chapter 12A § 12A-112.](#)

Notes: Retention Schedule Modification History

Series	Title and Explanation and action taken	Retention	Date of change
INSCAP-001	Defined Title and Description of Record Series	A: Permanent B: 3 years	08/16/2013

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSCS-001 (INS-007)	CONSUMER SERVICES CASE FILE Completed complaint forms listing date, investigator, source, complainant's personal information, insurance company, line, type, policy number, claim number, agent, appraiser, adjuster, amount in dispute/recovered, date of loss and notes.	CONFIDENTIAL 29 Del. C. § 10002(l)	Scan to data system; Verify; destroy hard copies; Retain Electronic Records at agency; 3 years after filing and/or resolution of complaint; destroy.	03/11/2015
INSCS-002 (INS-008)	ARBITRATION FILES Records compiled for hearings on automobile insurance arbitration and may contain the following: Request for Automobile Insurance Arbitration (Form 62) Hearing Assignment (Form ARB-4) Respondent's Memo Respondent's Answer (Form 63) Arbitration Panel Decision Arbitration Panel Award (Form 64)	CONFIDENTIAL 29 Del. C. § 10002(l)	Scan to data system; Verify; destroy hard copies; Retain Electronic Records at agency; 5 years after filing and/or resolution of complaint; destroy.	
INSCS-003 (INS-016)	MALPRACTICE CLAIM REPORTS Reports generated by insurance companies. May contain correspondence and Report of Delaware Medical Malpractice Claims. Show names of claimant and insured, nature of claim, alleged injury, damages assessed and settlement breakdown. Documents used to produce Annual Statistical Reports Department of Insurance, Domestic/Foreign Insurers Bulletin No.18: Medical negligence insurance Claims Reporting. Dtd July 20, 2005	CONFIDENTIAL 18 Del. C. § 6820(b)	Input data into system; Verify; Forward original record to Department of State Division of Professional Regulation. Retain Electronic Record Permanently Provide Electronic Record copy of Lieutenant Governor's Annual Statistical Report to archives for permanent preservation	
INSCS-004 (INS-016)	MEDICAL MALPRACTICE EVIDENCE Materials submitted by claimant and physicians, mostly of a medical nature, for possible exhibition during court proceedings.	CONFIDENTIAL 18 Del. C. § 6820(b)	Retain at agency until decision is rendered; return to Prothonotary's Office.	

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSCS-005 (INS-017)	PENDING MEDICAL MALPRACTICE REVIEW PANEL LIST Shows prospective panel members who may be chosen for a specific hearing. This pool of possible panel members changes each time a new panel is selected. A new list is generated every year		Retain at agency 1 year; destroy. 18 Del. Admin. Code §1401-4.0	04/30/2015
INSCS-006 (INS-017)	LISTS OF PHYSICIANS, ATTORNEYS AND LAY PERSONS Show names/addresses of prospective physicians, attorneys and lay persons eligible to serve on medical malpractice panels. This pool of possible panel members changes each time a new panel is selected. New List generated every year.		Retain at agency 1 year; destroy. 18 Del. Admin. Code §1401-4.0	04/30/2015

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Agency Notes:

1. Delaware Codes used within this Retention Schedule:
 - a. [6 Del. C. Chapter 12A](#). Uniform Electronic Transaction Act
 - b. [18 Del. C.](#) Insurance Code
 - c. [29 Del. C. Chapter 5](#) Public Records Law
 - d. [29 Del. C. Chapter 100](#) Freedom of Information Act (FOIA)
2. Delaware Administrative Code:
 - a. [18 Del. Admin. Code](#)
3. [State of Delaware, Department of Insurance, Domestic/Foreign Insurers Bulletin No. 18](#). Medical Negligence Insurance Claims Reporting.
4. The Department of Insurance is audited every five (5) years by the National Association of Insurance Commissioners (NAIC) as a part of their accreditation cycle
5. Records maintained and managed by the Web Application State based Systems (SBS) since 2002. The NAIC backs up and provides technical support. 26 States use this system.
6. If any data is necessary to reconstruct the master file or required for audit, it should be listed on an agency approved records retention schedule
7. A record may not be destroyed before the expiration of its retention period, or if there is any litigation, claim, negotiation, audit requirement, open record request, administrative review, or other action involving the record while it exists.
8. "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.
9. The destruction of Electronic Records requires an authorized Destruction Notice from the DPA Please refer to DPA policy
10. If the Data System(s) records that replace the hard copy records have differing retention periods and the software program does not readily permit selective destruction; then Destroy after the record with the longest retention period has expired.
11. Contingency backup records shall be maintained apart from the master file or data system in a secure offsite facility.
12. See also Model Guidelines for Electronic Records on DPA's website for additional guidance concerning the maintenance, and disposition of electronic records.
13. [6 Del. C. § 12A-112](#). Retention of electronic records; originals, is satisfied by retaining an electronic record of the information in the record which accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and remains accessible for later reference. A record retained as an electronic record satisfies law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after July 14, 2000, specifically prohibits the use of an electronic record for the specified purpose.

Notes: Retention Schedule Modification History

Series	Title and Explanation and action taken	Retention	Date of change
INSCS-001	CONSUMER SERVICES CASE FILE. Title Changed. Moved from INS-007 Verify, Retain hard Copy Records at Agency 2 Years; Destroy. Retain Electronic Records at Agency until close of case or resolution plus 3 Years; Destroy	Scan Hard copies into State based System (SBS);	08/16/2013
INSCS-001	CONSUMER SERVICES CASE FILE. Retention Changed, removed requirement to retain hard copies 2 years. New Retention: Scan to data system; Verify; destroy hard copies Retain Electronic Records at agency; 3 years after filing and/or resolution of complaint; destroy.		03/11/2015
INSCS-002	ARBITRATION FILES.	Moved from INS-008	08/16/2013
INSCS-003	MALPRACTICE CLAIMS REPORTS. Title changed. Moved from INS-016	Permanent	08/16/2013
INSCS-004	MEDICAL MALPRACTICE EVIDENCE. Split from INS-016	Close of Case: Return to Prothonotary's Office	08/16/2013
INSCS-005	PENDING MEDICAL MALPRACTICE REVIEW PANEL LIST. Moved from INS-017	Retain at agency 1 year; Destroy	09/11/2013
INSCS-005	PENDING MEDICAL MALPRACTICE REVIEW PANEL LIST. Confidential Status removed. List open per DOI Regulation		04/30/2015
INSCS-006	LIST OF PHYSICIANS, ATTONREYS, AND LAY PERSONS. Split from INS-017	Retain at agency 1 year; Destroy	09/11/2013
INSCS-006	LIST OF PHYSICIANS, ATTONREYS, AND LAY PERSONS. Confidential Status removed. List open per DOI Regulation		04/30/2015

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSELD-001	<p>STATE HEALTH INSURANCE ASSISTANCE PROGRAM (SHIP) GRANT FILES Documents that describe the provision and use of grant funds supporting activities involving the education of Delaware residents concerning Medicare issues and available resources. Includes National Performance Reporting (NPR) data that is collected and organized to generate reports required to measure the performance of the State Health Insurance Program (SHIP).</p>		<p>Retain at agency after notification of award closeout, plus 3 years; successful final audit; destroy.</p> <p><u>45 C.F.R. §92.42.</u></p>	06/10/2014
INSELD-002	<p>CLIENT FILES Documents that describe the provision of services and/or information to individual clients seeking assistance with Medicare issues. Client records are required by the grantee to be added to the National Performance Reporting (NPR) Website and retained in the system.</p>	CONFIDENTIAL	<p>Retain at agency after notification of award closeout, plus 3 years; successful final audit; destroy.</p> <p><u>45 C.F.R. §92.42.</u></p>	06/10/2014

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Division: Elder Information

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Agency Notes:

1. Delaware Codes used within this Retention Schedule:
 - a. [Title 29 DE Code Chapter 5](#) Public Records Law
 - b. [Delaware Insurance Code Title 18](#)
 - c. [Title 6 DE Code Chapter 12A](#). Uniform Electronic Transaction Act
2. Delaware Administrative Code:
 - a. [Delaware Regulations : Administrative Code : Title 18](#)
3. United States Code/Code of Federal Regulation:
 - a. [Title 45: Public Welfare. PART 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments](#)
4. The Department of Insurance is audited every five (5) years by the National Association of Insurance Commissioners (NAIC) as a part of their accreditation cycle
5. The State Health Insurance Program “SHIP” program is funded in part by a grant from the Administration for Community Living that requires the agency to use the National Performance Reporting (NPR) Website to collect and maintain records that support program use.
6. An “Electronic record” is defined as a public record that is stored, generated, received or communicated by electronic means for use by, or storage in, an information system or for transmission from one information system to another ([29 Del.Code §502](#) and [6 Del. Code §12A-112](#)) Retention of electronic records; originals, is satisfied by retaining an electronic record of the information in the record which accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and remains accessible for later reference. A record retained as an electronic record satisfies law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after July 14, 2000, specifically prohibits the use of an electronic record for the specified purpose.
7. The destruction of Electronic Records requires an authorized Destruction Notice from the DPA Please refer to DPA policy
8. For electronic records or electronic systems consisting of multiple record series with differing retention periods, the records should be retained until the longest retention period has been met, unless the software permits selective deletion.
9. Vital Records or Contingency Back-up Records (paper and electronic) are those records essential to the continued functioning or reconstitution of an organization before, after, and during an emergency or disaster and those that are needed to protect the legal and financial rights of the government and those affected by government activities. These records should be duplicated and dispersed to sites that are located a sufficient distance to avoid being subject to the same emergency ([Title 29 DE Code §503\(b\)\(7\)](#))
10. Delaware Public Archives may attempt to extract electronic records and publications from websites using a web crawler; however, this does not absolve any agency of the responsibility to identify, manage, and confirm the transfer of any archival content that is contained in, or integral to, an agency’s website. (Delaware Documentation, [Title 29 DE Code §519](#))
11. To transfer electronic records to the DPA, refer to the DPA Information Paper: [Suitable Media and Formats for Submitting eRecords to the Delaware Public Archives](#)
12. See also Model Guidelines for Electronic Records on DPA’s website for additional guidance concerning the maintenance, and disposition of electronic records.

Notes: Retention Schedule Modification History

Series	Title and Explanation and action taken	Retention	Date of change
INSELD-001	STATE HEALTH INSURANCE ASSISTANCE PROGRAM (SHIP) GRANT FILES	Retain at agency after notification of award closeout, plus 3 years; successful final audit; destroy.	06/10/2014
INSELD-002	CLIENT FILES	Retain at agency after notification of award closeout, plus 3 years; successful final audit; destroy.	06/10/2014

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL/VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
	INVESTIGATION FILES Investigative files may include papers, records, documents, reports, materials or other evidence relevant to an insurance fraud investigation or examination	VITAL		04/12/2018
INSFI-001A (INS-007)	Fraud Cases (Substantiated / Unsubstantiated) Documents that show date, investigator, source of referral, subject of investigation, insurance company, policy number, claim number, date of loss, case file notes and final disposition.	CONFIDENTIAL <u>18 Del. C. § 2406(a)</u>	A: Unsubstantiated Fraud Cases: Retain cases at agency; 5 Calendar Years; Delete: Transfer Substantiated Cases to INSFI-001 B. <u>11 Del. C. § 205; 18 Del. C. § 314</u>	
INSFI-001B	Hearings, Orders and Criminal Prosecution (Substantiated Cases) Documents that consist of hearing proceedings, subsequent administrative hearing reports and consent agreements associated with substantiated Fraud Bureau cases. Criminal cases contain documents and dispositions of cases referred for criminal prosecution.	CONFIDENTIAL <u>18 Del. C. § 2406(a)</u> <u>11 Del. C. § 8502(4)</u> <u>29 Del. C. § 10002(1)(3)</u> <u>29 Del. C. § 10002(1)(4)</u>	B: Substantiated Case Hearing and Orders: Retain at agency; 5 calendar years; successful audit; transfer civil and criminal cases to Archives using appropriate electronic media for permanent preservation. <u>11 Del. C. § 913</u> Note: Civil hearing proceedings, civil orders, and consent agreements may contain confidential and must be reviewed by the agency and information redacted prior to servicing.	

STATE OF DELAWARE
DELAWARE PUBLIC ARCHIVES

Record Group: 1320
Agency: Insurance Commissioner
Division: Fraud Investigation

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Agency Notes:

1. Delaware Codes used within this Retention Schedule:
 - a. [6 Del. C. c 12A](#). Uniform Electronic Transaction Act
 - b. [18 Del. C. c 3](#). Insurance Commissioner
 - c. [18 Del. C. c 24](#). Insurance Fraud
 - d. [29 Del. C. c 5](#). Public Records Law
 - e. [29 Del. C. c 100](#) Freedom of Information Act (FOIA)
2. Delaware Administrative Code
 - a. [Title 18](#) Insurance
3. The Department of Insurance is audited every five (5) years by the National Association of Insurance Commissioners (NAIC) as a part of their accreditation cycle
4. "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means
5. If data system(s) replaces hard copy and the records have differing retention periods and agency software does not readily permit selective deletion, then delete records after the longest retention period has expired.
6. Contingency backup records should be maintained apart from the master file or data system in a secure offsite facility.
7. If any data is necessary to reconstruct the master file or required for audit, it should be listed on an agency approved records retention schedule
8. The use of the records management term "Destroy," that used throughout this retention schedule is synonymous with the computer term "Delete."
9. The destruction of Electronic Records requires an authorized Destruction Notice from the DPA Please refer to DPA policy
10. A record may not be destroyed before the expiration of its retention period, or if there is any litigation, claim, negotiation, audit requirement, open record request, administrative review, or other action involving the record while it exists.
11. See also Model Guidelines for Electronic Records on DPA's website for additional guidance concerning the maintenance, and disposition of electronic records.
12. Retention of electronic records; originals, is satisfied by retaining an electronic record of the information in the record which accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and remains accessible for later reference. A record retained as an electronic record satisfies law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after July 14, 2000, specifically prohibits the use of an electronic record for the specified purpose. [6 Del. C. § 12A-112](#).

Notes: Retention Schedule Modification History

Record Series	Title and explanation of actions taken	Date Changed
INSFI-001	Investigation Files. Retention Instructions Unsubstantiated claims changed to 5 years	09/10/2013
INSFI-001A	Fraud Cases. Updated the statutes that apply to confidentiality and that apply directly to the authority of the Department of Insurance.	04/12/2018
INSFI-001B	Hearings, Orders and Criminal Prosecution (Substantiated Cases) (formerly Hearing and Orders). Updated the statutes that apply to confidentiality and that apply directly to the authority of the Department of Insurance. Added note regarding confidentiality: Civil hearing proceedings, civil orders, and consent agreements may contain confidential and must be reviewed by the agency and information redacted prior to servicing.	04/12/2018

STATE OF DELAWARE
DELAWARE PUBLIC ARCHIVES

Record Group: 1320
Agency: Insurance Commissioner
Division: Market Regulation

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSMR-001 (INS-006)	COMPANY APPOINTMENT AND TERMINATION FILES (ACTIVE/INACTIVE) Shows agent identification, corporation and lines of authority, insurance company, reasons for termination and signatures of appropriate officials. A: Request for Resignation of an Insurance Agent's Appointment (Form 1A) and B: Notice of Termination of Appointment (Form 5)	CONFIDENTIAL Title 18 § 1716 (f)(1)	Hard Copy documents: Scan to data system; verify; Destroy. Retain at agency until Termination of Appointment plus 10 years; destroy. NOTE: A: Request for Resignation are Not Confidential B: Termination Notices are Confidential	
INSMR-002 (INS-014)	AGENT/AGENCY APPLICATIONS (FORM 2A) (ACTIVE/INACTIVE) Show license identifications, corporation/partnership, type of license requested, line of authority, background information, employment, fiduciary account number and signatures of applicant and notary.	CONFIDENTIAL DE Title 29 § 10002 (I)	Hard Copy documents: Scan to data system; verify; Destroy. Retain at agency until Inactive plus 10 years; Destroy. NOTE: Criminal background investigations are Confidential	
INSMR-003 (INS-015)	AGENT CONTINUING EDUCATION REPORTS Contains the Continuing Education Course Report Form and Application to Have Course Approved.		Hard Copy documents: Scan to data system; verify; Destroy. Retain at agency 3 years; Destroy.	

STATE OF DELAWARE
DELAWARE PUBLIC ARCHIVES

Record Group: 1320
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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSMR-004 (INS-020)	INSURANCE FORMS AND RATE FILINGS. Property and Casualty Rate, Life and Health Rate, and Rule and Form Filings. May contain the following: Cover Letter Transmittal Document Interrogatory Form Rate & Rule Explanatory Memorandum Explanation of Optional Coverage Explanation of Coverage included in Base Policy Explanation of Rating Procedures Explanation of Endorsements Copy of Policy and Policy Forms Copy of Rule Page Copy of Rates Actuarial Memorandum	CONFIDENTIAL DE Title 29 § 10002 (I)	Hard Copy documents: Scan to data system; verify; Destroy. Retain at agency 15 Years; Destroy. NOTE: Certain Actuarial documents are confidential NOTE: The retention duration is driven by Best Business Practice as determined by the Department of Insurance	
INSMR-005 (INS-022)	MARKET CONDUCT COMPANY EXAM REPORTS Reports of results from examination and evaluation of basic business areas and practices of insurance companies licensed to do business in Delaware by Market Conduct Examiners of the Insurance Department of the State of Delaware. A: Working Papers B: Final Report	CONFIDENTIAL DE Title 29 § 10002 (I)	Hard Copy documents: Scan to data system; verify; Destroy Retain at agency; 5 years; Successful Audit Destroy. NOTE: A: Working Papers are Confidential B: Final Reports <u>are not</u> confidential	

STATE OF DELAWARE
DELAWARE PUBLIC ARCHIVES

Record Group: 1320
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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION AND INSTRUCTIONS	DATE APPROVED / REVISED
INSMR-006 (INSMC-001)	MARKET CONDUCT PRODUCERS CASE FILES Contains reports, findings and analysis of complaints, investigations, and examinations of producers, adjusters and company conduct. Note: Dates of Birth and Social Security Numbers are confidential and must be redacted A: Working Papers B: Final Reports	CONFIDENTIAL <u>DE Title 29 § 1002 (I)</u>	Hard Copy documents: Scan to data system; verify; Destroy Electronic Records: Retain at Agency, 25 years; Destroy NOTE: A: Working Papers are Confidential B: Final Reports are not confidential	

STATE OF DELAWARE
DELAWARE PUBLIC ARCHIVES

Record Group: 1320
Agency: Insurance Commissioner
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Agency Notes:

1. [Delaware Public Records Law is Title 29, Chapter 5](#)
2. [Delaware Insurance Code Title 18](#)
3. [Delaware Regulations : Administrative Code : Title 18](#)
4. [Delaware Freedom of Information Act Title 29 Chapter 100](#)
5. The Department of Insurance is audited every five (5) years by the National Association of Insurance Commissioners (NAIC) as a part of their accreditation cycle
6. Records maintained and managed by the Web Application State based Systems (SBS) since 2002. The NAIC backs up and provides technical support. 26 States use this system.
7. "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means
8. If data system(s) replaces hard copy and the records have differing retention periods and agency software does not readily permit selective deletion, then delete records after the longest retention period has expired.
9. Contingency backup records should be maintained apart from the master file or data system in a secure offsite facility.
10. If any data is necessary to reconstruct the master file or required for audit, it should be listed on an agency approved records retention schedule
11. The DPA may attempt to harvest electronic records/publications via Web Harvest. Attempts by DPA to harvest records does not absolve any agency of the responsibility to identify, manage, and confirm the transfer any archival content that is contained in, or integral to, an agency's website. (see Delaware Documentation Procedures 29 Del Code, Chapter 5)
12. The use of the records management term "Destroy," that used throughout this retention schedule is synonymous with the computer term "Delete."
13. The destruction of Electronic Records requires an authorized Destruction Notice from the DPA Please refer to DPA policy
14. A record may not be destroyed before the expiration of its retention period, or if there is any litigation, claim, negotiation, audit requirement, open record request, administrative review, or other action involving the record while it exists.
15. See also Model Guidelines for Electronic Records on DPA's website for additional guidance concerning the maintenance, and disposition of electronic records.
16. Retention of electronic records; originals, is satisfied by retaining an electronic record of the information in the record which accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and remains accessible for later reference. A record retained as an electronic record satisfies law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after July 14, 2000, specifically prohibits the use of an electronic record for the specified purpose. [Title 6, Delaware Code, Chapter 12A § 12A-112.](#)

Notes: Retention Schedule Modification History

Series	Title and Explanation and action taken	Retention	Date of change
INSMR-001	COMPANY APPOINTMENT AND TERMINATION FILES (ACTIVE/INACTIVE)	Moved from INS-006	10/15/2013
INSMR-002	AGENCY APPLICATIONS (FORM 2A) (ACTIVE/INACTIVE)	Moved from INS-014	10/15/2013
INSMR-003	AGENT CONTINUING EDUCATION REPORTS	Moved from INS-015	10/15/2013
INSMR-004	INSURANCE FORMS AND RATES FILINGS	Moved from INS-020. Retention: 15 years destroy	10/15/2013
INSMR-005	MARKET CONDUCT COMPANY EXAM REPORTS (Title modified) audit destroy	Moved from INS-022. Retain 5 years successful	10/15/2013
INSMR-006	MARKET CONDUCT PRODUCERS CASE FILES. Series split Verify; Destroy. Retain Electronic Records at Agency 25 years; Destroy.	TWENTY-FIVE YEARS. Scan to data system;	10/15/2013

STATE OF DELAWARE
DELAWARE PUBLIC ARCHIVES

Record Group: 1320
Agency: Insurance Commissioner
Division: Workplace Safety Program

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION INSTRUCTIONS	DATE APPROVED / REVISED
INSWS-001	<p>APPLICATION FILES Requests submitted by companies seeking to meet certain business and safety requirements that can subsequently reduce their ongoing insurance costs.</p> <p>A. Dead Files Companies that have either ceased doing business or have stopped applying.</p> <p>B. Abandoned Applications Incomplete submissions that were never processed due to reasons such as going out of business or changed their mind during process.</p> <p>C. Checks Copies of checks submitted with applications.</p> <p>D. Ineligible and Unsuccessful Applications Includes letters of notification for ineligible applications and for failed inspection reports to businesses which are issued by the Department of Insurance</p>		<p>Approved Application files are retained in Record Series INSWS-002</p> <p>A. Dead Files. Retain at agency for 10 Years after Last Contact; Destroy.</p> <p>B. Abandoned Applications. Retain at Agency for 1 Year after Last Contact; Destroy.</p> <p>C. Checks. Retain fiscal version at agency 3 years; successful audit, destroy.</p> <p>D. Ineligible and Unsuccessful Applications. Retain at Agency for 1 Year after failed Inspection or notification; Destroy.</p>	
INSWS-002	<p>CLIENT FILES Contains approved applications, questionnaires, assignment of inspectors, proof sheets, and documents that note the activities of contract inspectors used by Department of Insurance to determine acceptable safety environments. Includes communications between Department of Insurance, Delaware Compensation Rating Bureau, Inspectors, Insurance Brokers, businesses, etc.</p> <p>Note: Financial information or employee records are Confidential Information</p>	<p>CONFIDENTIAL</p> <p>DE Title 29 § 10002 (1)</p>	<p>Retain at agency while business is an active participant in program plus 10 Years; Destroy.</p>	

STATE OF DELAWARE
DELAWARE PUBLIC ARCHIVES

Record Group: 1320
Agency: Insurance Commissioner
Division: Workplace Safety Program

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SERIES #	SERIES TITLE AND DESCRIPTION	CONFIDENTIAL / VITAL	RETENTION INSTRUCTIONS	DATE APPROVED / REVISED
INSWS-003	<p>BILLING AND INSPECTION REPORTS Document findings of inspectors regarding employee workplace safety issues. Original copy to firm. Upon successful inspection, company pays fee, receives certificate. Billing documents forwarded to Department of Insurance accounting office or Business for payments.</p>		Retain at agency 10 Years; Destroy.	
INSWS-004	<p>CERTIFIED WORKERS COMPENSATION SAFETY INSPECTORS LISTS List provided by each insurance carrier that identifies the certified safety inspectors employed by their company. A new list is provided to the Department of Insurance every six months.</p>		Retain at Agency Six Months: Destroy upon receipt and verification of new list. Title 19 § 2379(f)	

STATE OF DELAWARE
DELAWARE PUBLIC ARCHIVES

Record Group: 1320
Agency: Insurance Commissioner
Division: Workplace Safety Program

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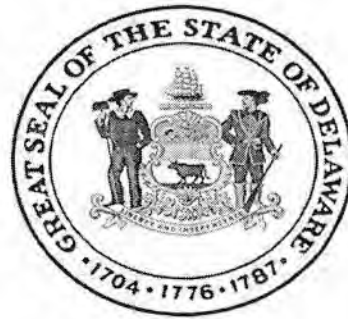
Agency Notes:

1. [Delaware Public Records Law is Title 29, Chapter 5](#)
2. [Delaware Insurance Code Title 18](#)
3. [Delaware Regulations : Administrative Code : Title 18](#)
4. [Delaware Labor Title 19 § 2379 \(f\) Workers Compensation Work Place Safety Program](#)
5. Delaware Freedom of Information Act: [DE Title 29 § 10002 \(l\)](#)
6. The Department of Insurance is audited every five (5) years by the National Association of Insurance Commissioners (NAIC) as a part of their accreditation cycle
7. "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means
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Notes: Retention Schedule Modification History

Series	Title and Explanation and action taken	Retention	Date of change
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State of Delaware
Approved Records Retention Schedule



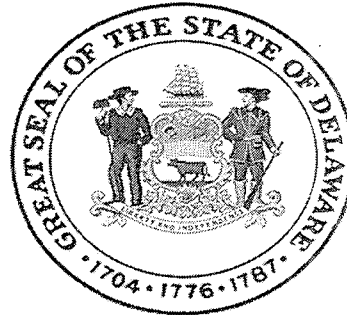
Issued by
Delaware Public Archives
For
Department of Insurance

Approved By: _____

(Please note that this section must be approved by the agency
department head)

Approval Date: October 18, 2013

State of Delaware
Approved Records Retention Schedule



Issued by
Delaware Public Archives
For
Department of Insurance

Consumer Services, Medical Malpractice and Arbitration
Retention Schedule

Approved By: [Signature]
(Please note that this section must be approved by the agency department head)

Approval Date: 5/2, 1/15


State of Delaware
Approved Records Retention Schedule



Issued by
Delaware Public Archives

For
Department of Insurance

Fraud Investigation

Approved By:  CHIEF OF STAFF
(Please note that this section must be approved by the agency department head)

Approval Date: 4/12/18