



## Ohio Administrative Code Rule 3339-16-10 Records retention.

Effective: November 5, 2015

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### (A) Records management program

Miami university, in compliance with the Ohio Revised Code, has a records management program for the purpose of ensuring proper scheduling, storage, and disposal of university records.

Records include any information stored on a fixed medium prepared or received in the normal course of business (paper, image, or digital) that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the university. The legal retention period for university records applies to any medium paper, image, and digital. Therefore, electronic records have the same retention period as would a paper copy. Some e-mail may be classified as a record and should be retained according to the legal retention period.

All university records shall be maintained in accordance with the university's records retention policy. No university records shall be destroyed except in accordance with this policy. It is the responsibility of faculty and staff to be knowledgeable about policies and procedures that apply to the retention and destruction of university records. Questions concerning the retention and disposal of university records may be directed to the office of general counsel. The records retention policy manual and guidelines are accessible via the web at <http://miamioh.edu/about-miami/leadership/general-counsel>.

### (B) Records- creation and maintenance

The state of Ohio defines a record as "...any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office."



Miami university records include but are not limited to:

- (1) Financial records such as requisitions, purchase orders, invoices, bank data, and ledgers or journals
- (2) Administrative records such as correspondence, reports, policy statements and related items sent and received
- (3) Minutes of university boards and committees
- (4) Personnel records of faculty and staff
- (5) Student education records-including admission and employment record
- (6) Publications and other items issued by the university
- (7) Sound recordings, video recordings or photographs of university faculty, staff, groups or events

As a public institution, many of Miami university records are available to the public upon request under Ohios Public Records Act (see section 149.43 of the Revised Code and the Public Record Policy- hotlink). Most student education records are protected by the Family Educational Rights and Privacy Act-FERPA (see 34 C.F.R. 99.1)

Consistent with efficient and economical business practices, the university office responsible for creating, maintaining, preserving, keeping or filing a university record shall determine, the medium (e.g. paper or electronic) in which the university record is to be created, maintained, preserved, kept or filed.

(C) Document imaging

Document imaging is defined as the conversion of paper-based documents to digital images, making them readily accessible, thereby enhancing the business processes and workflow. The Ohio electronic records committee-an ongoing collaboration, established by the state of Ohio archives in



1998, with representatives from state and local government, academia, and historical societies-has developed guidelines regarding document imaging best practices. This guidance can be found at: <https://web.archive.org/web/20080509072653/http://www.ohiohistory.org/ohiojunction/erc/imagingrevision/revisedimaging2003.html>

There is nothing in Ohio law that prohibits Miami university from disposing of the original paper records once the documents have been imaged. However, before embarking on a document imaging project and/or disposing of converted records, responsible offices should develop local imaging procedures in consultation with information technology. The imaging procedures should document the:

- (1) Governance of the project- who is responsible for oversight and execution of the plan
- (2) Records being imaged/converted and their mapping to the general records retention schedule and/or unit unique retention schedule
- (3) Hardware/software being utilized for imaging/conversion
- (4) Description of the actual process (i.e. a "how to" manual)
- (5) Scanning resolution and file format
- (6) Indexing schema for retrieval and ultimate disposition of the records
- (7) Quality control process (operator and supervisory) including a certification of authenticity
- (8) Back-up and data recovery plans
- (9) Redaction process for restricted information (FERPA, HIPAA, et al)
- (10) Buffer period, post-imaging before the paper records will be destroyed
- (11) Process for the disposal of paper records in a manner that maintains confidentiality



(12) Acknowledgment that imaged records must be destroyed at the end of their life, per the retention schedule and that request for records destruction must be submitted at that time to the office of general counsel.

(D) Electronic signatures

The Ohio law defines an electronic signature as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record and an electronic record as a record created, generated, sent, communicated, received, or stored by electronic means. "Electronic" is defined as relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. For purposes of this policy, Electronic transaction shall mean a transaction conducted or performed, in whole or in part, by electronic means or electronic records.

To the fullest extent permitted by law, Miami may elect to accept electronic signatures as legally binding and equivalent to handwritten signatures to signify agreement to electronic transactions. In the furtherance of this rule, Miami university may:

- (1) Identify specific transactions that Miami university will conduct by electronic means;
- (2) Identify specific transactions that Miami university will not conduct by electronic means;
- (3) Specify the manner and format in which electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes;
- (4) Specify the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used;

The use of an electronic signature does not mean that the record has been signed by a person authorized by Miami university to sign that record. Appropriate procedures must be used to confirm that the person signing the record has the required signature authority. An electronic signature used



by a person without the authority to sign a given record or used on a given record for which that electronic signature method has not been approved will not be consider binding by Miami university.

Nothing in this policy limits the universitys right or option to conduct a university transaction on paper or in non-electronic form, nor affect the universitys right or obligation to have documents be provided or made available on paper when required by applicable policies, laws or regulations.