

RECORDS RETENTION AND DISPOSITION SCHEDULE  
SPECIFIC SCHEDULE NO. 305-001

AGENCY: STATE MILK COMMISSION

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition policies listed below:

AGENCY APPROVALSTATE APPROVAL

AGENCY HEAD OR DEPUTY

STATE RECORDS ADMINISTRATOR

AGENCY RECORDS OFFICER

COMPTROLLER OR DEPUTY

EFFECTIVE SCHEDULE DATE: SEP 17 1998

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## POLICIES FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the *Virginia Public Records Act*, §§ 42.1-76, et. seq. of the *Code of Virginia* for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the *Certificate of Records Disposal* (Form RM-3). A signed RM-3 must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 must be sent to Library of Virginia (LVA).
4. Any records created before the Constitution of 1902 came into effect (January 1, 1904) must be offered, in writing, to the LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from the LVA. A copy of the offer must be attached to the RM-3 form when it is submitted to the LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. Microfilming must be done in accordance with §§ 17VAC15-20-10, et. seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention."
8. Custodians of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be "wiped" clean or the storage media physically destroyed.

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RECORDS SERIES TITLE AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
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- I. ADMINISTRATIVE
- II. AUDIT AND COMPLIANCE
- III. PRODUCER ACCOUNTING

I. ADMINISTRATIVE RECORDSBase Calculation Files

Documents monthly assignment and adjustments of assignments of producer base to licensed processing distributors.

100045

Retain 3 years; then destroy.

Distributors Files

Documents information concerning licensed distributors. File includes applications, correspondence and other materials.

100046

Retain 3 years after end of last licensing period; then destroy.

Distributor Licensing Files

Documents licensed distributors. File includes applications, correspondence, notes, and copy of license. May contain active canceled, revoked and/or suspended files.

100047

Retain 3 years after being revoked, suspended, canceled, close of case review, or legal action.

Equalization Fund Files - Standard

Records the calculation of payments to and from the Equalization Fund. Includes worksheets, reports and correspondence.

100048

Retain 3 years or after audit, whichever is longer; then destroy.

Equalization Fund Files - With Pending Legal Action

Records the calculation of payments to and from the Equalization Fund. Includes worksheets, reports and correspondence. These files may have legal action, such as bankruptcy proceedings, pending.

100049

Retain 3 years after closure of legal action; then destroy.

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RECORDS SERIES TITLE AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<u>Hearings Files</u> Documents public hearing procedures through transcripts, evidence, notices and commission action.	100050	Retain permanently.
<u>Producer Recovery Fund Files</u> Documents administration of Producer Recovery Fund actions by the Commission through various financial records.	100051	Retain 3 years after final payout of funds; then destroy.
<u>Regulations and Regulatory Actions</u> Documents regulatory actions conducted through Administrative Process Act.	100052	Retain 5 years after expiration or when superceded; then destroy.
<b>II. <u>AUDIT AND COMPLIANCE</u></b>		
<u>Audit of Reports of Receipts and Utilization and Compliance Files - Standard</u> Documents audit findings on original distributor monthly reports of receipts and utilization. Includes worksheet, correspondence and documentary evidence.	100053	Retain 3 years or after audit, whichever is longer; then destroy.
<u>Audit of Reports of Receipts and Utilization and Compliance Files - Undergoing Commission or Legal Action</u> Documents audit findings on original distributor monthly reports of receipts and utilization. Includes worksheet, correspondence and documentary evidence.	100054	Retain 3 years after closure of case review or legal action; then destroy.
<u>Cost Studies and Related Files - Standard</u> Documents individual study and analysis of the processing costs of selected milk processing plants. Includes cost records, worksheets, reports and correspondence.	100055	Retain 3 years; then destroy.

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RECORDS SERIES TITLE AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Cost Studies and Related Files - Undergoing Commission or Legal Action</u> Documents individual study and analysis of the processing costs of selected milk processing plants. Includes cost records, worksheets, reports and correspondence.</p>	100056	Retain 3 years after closure of case review or legal action; then destroy.
<p><u>Investigations and Fair Trade Matters - Standard</u> Documents investigations and other Fair Trade issues involving compliance to SMC Rules and Regulations.</p>	100057	Retain 3 years; then destroy.
<p><u>Investigations and Fair Trade Matters - Undergoing Commission or Legal Action</u> Documents investigations and other Fair Trade issues involving compliance to SMC Rules and Regulations.</p>	100058	Retain 3 years after closure of case review or legal action; then destroy.
<p><u>Monthly Reports of Receipts and Utilization- Standard</u> Documents monthly filings of distributor reports of Receipts and Utilization to establish payment requirements for producer base deliveries. Includes processing plants with assigned base and all others.</p>	100059	Retain 2 years or after audit, whichever is longer; then destroy.
<p><u>Monthly Reports of Receipts and Utilization- Undergoing Commission or Legal Action</u> Documents monthly filings of distributor reports of Receipts and Utilization to establish payment requirements for producer base deliveries. Includes processing plants with assigned base and all others.</p>	100060	Retain 3 years after closure of case review or legal action; then destroy.

