



**RECORDS RETENTION AND DISPOSITION SCHEDULE
SPECIFIC SCHEDULE NO. 409-011
MINES, MINERALS AND ENERGY, DEPARTMENT OF
MINED LAND RECLAMATION, DIVISION OF
HEARINGS AND ASSESSMENTS**

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

AGENCY APPROVAL

AGENCY HEAD OR DEPUTY

AGENCY RECORDS OFFICER

STATE APPROVAL

STATE RECORDS ADMINISTRATOR

COMPTROLLER OR DEPUTY

EFFECTIVE SCHEDULE DATE:

SEP 23 2002

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CONDITIONS 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 Destruction* (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. Microfilming must be done in accordance with *Virginia Administrative Code*, §§ 17VAC15-20-10, et. seq. "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.
9. Under the *Virginia Public Records Act*, (§ 42.1-79) the Library of Virginia is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. The Library may purge select records in accordance with professional archival practices in order to ensure efficient access.



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RECORDS SERIES TITLE AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Administrative and Judicial Proceedings</u> This series documents the conduct of public hearings and other administrative or judicial proceeding authorized by <i>Code of Virginia</i>, Title 45.1, Chapter 19. Some files contain information protected by attorney/client privilege. Series includes, but is not limited to, transcripts, exhibits, decisions and related correspondence and supporting documentation.</p>	005269	<p>After end of proceedings, microfilm records according to Library of Virginia's standards/guidelines; retain records in new format permanently. Transfer original camera negative to Imaging Services Branch of the Library of Virginia. After quality control inspection verifies information was successfully transferred to new format, retain original documents for 5 years, then destroy in compliance with No. 8 on schedule cover page. Document destruction of original records after reformatting on <i>Certificate of Records Disposal</i> (RM-3 form).</p>
<p><u>Civil Penalty Assessments - No Fines or Fines Paid</u> This series documents the issuance of Civil Penalty Determinations and Notices of Violation and Cessation Orders as authorized by <i>Code of Virginia</i>, §§ 45.1-245 and 246. Series includes, but is not limited to, determinations, final orders, liens, reviews and related correspondence and supporting documentation.</p>	005270	<p>Retain 5 years after collection of fines or determination of no fine, then destroy.</p>
<p><u>Civil Penalty Assessments - Uncollected Fines</u> This series documents the issuance of Civil Penalty Determinations and Notices of Violation and Cessation Orders as authorized by <i>Code of Virginia</i>, §§ 45.1-245 and 246. Series includes, but is not limited to, determinations, final orders, liens, reviews and related correspondence and supporting documentation.</p>	005271	<p>After 5 years from levy of fine, microfilm records according to Library of Virginia's standards/guidelines; retain records in new format permanently. Transfer original camera negative to Imaging Services Branch of the Library of Virginia. Destroy originals after quality control inspection verifies information was successfully transferred to new format. Document destruction of original records after reformatting on <i>Certificate of Records Disposal</i> (RM-3 form).</p>