

APPENDIX A:

Requirements for the Disposition/Transfer of Government Records to Repositories other than the Minnesota Historical Society

These requirements are used by the Records Disposition Panel and the Minnesota Historical Society/Minnesota State Archives regarding the disposition of government records to other repositories pursuant to Minnesota Statutes Chapter 138.17¹, subd. 1; Minnesota Statutes Chapter 138.20²; and Minnesota Statutes Chapter 138.21³.

I. Records designated as archival by the Records Disposition Panel

It is the intent of the panel that records designated as archival, or the reproduction of archival records that serve as substitutes for the original record, remain in the custody of the agency that created them or the successor agency (pursuant to Minnesota Statutes Chapter 15.17⁴, subd. 3) or that they be transferred to the Minnesota Historical Society.

In some cases, another institution may be a more appropriate repository for the preservation, storage, and use of certain series of records. In these instances, the Minnesota Historical Society may enter into an agreement with the repository specifying the conditions of storage and use.

II. Records designated as not archival by the Records Disposition Panel

It is the intent of the panel that records designated as not archival be appropriately destroyed in accordance with approved records retention schedules or approved applications for authority to dispose of records (Minnesota Statutes Chapter 138.17⁵, subd. 1). The panel may order the method of destruction to be used. These methods may be shredding, incinerating, recycling, or placing in landfills, depending on the privacy status of the records and on local disposition alternatives and requirements.

If an organization other than the creating or successor agency requests custody of such records, the records disposition panel may approve transfer, subject to specifications of conditions of storage and use. The panel will consider requests on a case-by-case basis.

¹ Minnesota Office of the Revisor of Statutes. *2009 Minnesota Statutes: Chapter 138.17 Government Records; Administration*. 2009. <https://www.revisor.leg.state.mn.us/statutes/?id=138.17>

² Minnesota Office of the Revisor of Statutes. *2009 Minnesota Statutes: Chapter 138.20 Record of Proceedings*. 2009. <https://www.revisor.leg.state.mn.us/statutes/?id=138.20>

³ Minnesota Office of the Revisor of Statutes. *2009 Minnesota Statutes: Chapter 138.21 Storage Space Designated by Pane*. 2009. <https://www.revisor.leg.state.mn.us/statutes/?id=138.21>

⁴ Minnesota Office of the Revisor of Statutes. *2009 Minnesota Statutes: Chapter 15.17: Official Records*. 2009. <https://www.revisor.leg.state.mn.us/statutes/?id=15.17>

⁵ Minnesota Office of the Revisor of Statutes. *2009 Minnesota Statutes: Chapter 138.17 Government Records; Administration*. 2009. <https://www.revisor.leg.state.mn.us/statutes/?id=138.17>

III. Transfers agreements between a local/county historical society and a repository other than the Minnesota Historical Society/Minnesota State Archives

Transfer agreements must clearly identify the records in question; the manner in which the [LOCAL/COUNTY HISTORICAL SOCIETY] will comply with Minnesota Statutes Chapter 13 (Minnesota Government Data Practices Act); and which copyrights are pertinent. A copy of this agreement shall be filed with the Minnesota Historical Society pursuant to Minnesota Statutes Chapter 138.20⁶. The “Application for Authority to Dispose of Records” (PR-1 Form⁷) may be used to approve such transfers.

When an agency retains reproductions of the records and transfers the originals to another repository, the reproduction becomes the official record. In these cases, the agency must mark on each volume or each sheet of loose paper that it is no longer the official record.

The panel reserves the right to set conditions on these transfers. Such conditions may be dependent upon legal distinctions between, and access requirements for, private and government repositories. No transfers to individuals will be approved.

The model agreement in *Appendix B* of these guidelines is used to approve the transfer of government records from the office of origin to repositories other than the State Archives.

⁶ Minnesota Office of the Revisor of Statutes. *2009 Minnesota Statutes: Chapter 138.20 Record of Proceedings*. 2009. <https://www.revisor.leg.state.mn.us/statutes/?id=138.20>

⁷ Minnesota Historical Society. *Application for Authority to Dispose of Records Form*. State Archives. http://www.mnhs.org/preserve/records/docs_pdfs/PR1form.pdf