

**CHAPTER 39C**

**RECORDS MANAGEMENT PROGRAM**

- Sec. 39C-1. Statement of policy.
- Sec. 39C-2. City of Dallas records.
- Sec. 39C-3. Definitions.
- Sec. 39C-4. Designation of records management officer.
- Sec. 39C-5. Ownership and custody of city records.
- Sec. 39C-6. Records involved in public information requests, pending litigation, or pending audits.
- Sec. 39C-7. Duties and responsibilities of the city council.
- Sec. 39C-8. Establishment of the records management policy committee.
- Sec. 39C-9. Duties and responsibilities of records management officer.
- Sec. 39C-10. Records management program to be developed; approval of program; authority of program.
- Sec. 39C-11. Duties and responsibilities of department directors.
- Sec. 39C-12. Designation of records liaison officers.
- Sec. 39C-13. Duties and responsibilities of records liaison officers.
- Sec. 39C-14. Records retention and disposition schedules; approval; filing with the state.
- Sec. 39C-15. Implementation of records retention and disposition schedules; destruction of city records under schedule.
- Sec. 39C-16. Destruction of unscheduled records.
- Sec. 39C-17. Dallas municipal archives and records center.
- Sec. 39C-18. Microfilming city records.
- Sec. 39C-19. Electronic storage of city records.
- Sec. 39C-20. Right of recovery.
- Sec. 39C-21. Penalty.

**SEC. 39C-1. STATEMENT OF POLICY.**

(a) The city of Dallas recognizes that the citizens of Dallas have a right to expect, and the city has an obligation to foster, efficient and cost-effective government and further recognizes the

central importance of city records in the lives of its citizens. The city of Dallas has a responsibility to its citizens to manage, protect, preserve, and make available city records.

(b) It is the policy of the city of Dallas to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, retention, and disposition of all records of the city of Dallas. This policy will be implemented through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act, the Public Information Act, the city charter, and accepted records management practice. (Ord. Nos. 20787; 23267)

**SEC. 39C-2. CITY OF DALLAS RECORDS.**

All city records must be created, maintained, and disposed of in accordance with this chapter and all requirements, policies, and procedures established pursuant to this chapter, and in no other manner. (Ord. Nos. 20787; 23267)

**SEC. 39C-3. DEFINITIONS.**

(1) APPROVED RECORDS RETENTION AND DISPOSITION SCHEDULE means a records retention and disposition schedule that has been:

(A) approved by the department director, the records management officer, and the records management policy committee;

(B) adopted by the city council by resolution; and

(C) filed by the records management officer and approved by the director and librarian of the Texas State Library and Archives Commission either:

(i) in a detailed format determined by the director and librarian; or

(ii) through a written certification of compliance filed in accordance with state law.

(2) CITY RECORD means every document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under state law, that is created or received by the city of Dallas or any of its officers or employees pursuant to law or in the transaction of public business. A city record does not include library or museum material acquired solely for reference, exhibit, or display or stocks of publications, advertisements, or other unsolicited written materials received by the city or any of its officers or employees.

(3) DALLAS MUNICIPAL ARCHIVES AND RECORD CENTER (DMARC) means the facility described in Section 39C-17 of this chapter that is used to provide centralized and secure storage for noncurrent and permanent city records.

(4) DEPARTMENT means any department, office, agency, division, program, commission, bureau, board, committee, task force, ad hoc committee, or similar entity of the city.

(5) DEPARTMENT DIRECTOR means the officer who by ordinance, order, or administrative policy is in charge of a department or an office of the city that creates or receives city records.

(6) ESSENTIAL RECORD means any city record necessary to:

(A) the resumption or continuation of operations of the city in an emergency or disaster;

(B) the re-creation of the legal and financial status of the city; or

(C) the protection and fulfillment of obligations to the citizens of the city.

(7) LOCAL GOVERNMENT RECORDS ACT means Title 6, Subtitle C of the Local Government Code, as amended.

(8) PERMANENT RECORD means any city record for which the retention period on a records retention and disposition schedule is given as permanent.

(9) PUBLIC INFORMATION ACT means Chapter 552 of the Texas Government Code, also known as the Texas Open Records Act.

(10) RECORDS DISPOSITION means the removal of a city record from a department or from a noncurrent records storage center and:

(A) for a city record that has passed its minimum legal retention period and no longer has value to the city, the destruction of the record; or

(B) for a permanent city record, transfer of the record to DMARC for archival accession.

(11) RECORDS INVENTORY means the process of locating, identifying, and describing in detail the records of a department.

(12) RECORDS LIAISON OFFICER means any person designated under Section 39C-12 of this chapter.

(13) RECORDS MANAGEMENT means the planning, controlling, directing, organizing, training, promoting, and application of other management techniques involved in the creation, use, maintenance, retention, preservation, and disposal of city records for the purposes of achieving adequate and proper documentation of the policies and transactions of city government and reducing the costs and improving the efficiency of recordkeeping. The term includes:

(A) the development of records retention and disposition schedules;

(B) the management of filing and information retrieval systems;

(C) the protection of essential and permanent records;

(D) the economical and space-effective storage of noncurrent records;

(E) the control over the creation and distribution of forms, reports, and correspondence;

(F) the management of manual, micrographic, electronic, and other records storage systems; and

(G) the identification of functional recordkeeping requirements that ensure city records are created to adequately document the city’s business transactions.

(14) RECORDS MANAGEMENT OFFICER means the person appointed by the city secretary, in accordance with Chapter IIIA, Section 3 of the city charter, to fill the position designated by the city council, pursuant to the Local Government Records Act, to administer the city’s records management program.

(15) RECORDS MANAGEMENT PROGRAM means the requirements, policies, and procedures developed under Section 39C-10 of this chapter.

(16) RECORDS MANAGEMENT POLICY COMMITTEE means the committee established under Section 39C-8 of this chapter.

(17) RECORDS RETENTION AND DISPOSITION SCHEDULE means a document prepared by or under the authority of the records management officer that describes recurring records or records series on a continuing basis, indicating for each record or records series:

(A) the length of time the record or records series is to be maintained in a department or in DMARC;

(B) when and if the record or records series may be destroyed or otherwise disposed of; and

(C) other records disposition information that the records management program may require.

(18) RETENTION PERIOD means the minimum time that must pass after the creation, recording, or receipt of a city record, or after the fulfillment of certain actions associated with a city record, before the record is eligible for disposition. (Ord. Nos. 20787; 23267)

**SEC. 39C-4. DESIGNATION OF RECORDS MANAGEMENT OFFICER.**

(a) The records management officer shall be appointed by the city secretary to implement and

administer the city’s records management program in compliance with this chapter, the city charter, state law, and policies adopted by the records management policy committee. The records management officer must be a person professionally competent by experience and training to administer the records management program.

(b) Upon the records management officer’s resignation, retirement, dismissal, or removal by action, the officer’s successor shall, within 30 days after being appointed by the city secretary, file the successor’s name with the director and librarian of the Texas State Library and Archives Commission, as prescribed by state law. (Ord. Nos. 20787; 23267)

**SEC. 39C-5. OWNERSHIP AND CUSTODY OF CITY RECORDS.**

(a) Every city record is the property of the city. No city officer or employee has, by virtue of the position of the city officer or employee, any personal or property right to a city record even though the city officer or employee may have developed or compiled the record. The unauthorized alteration, destruction, deletion, removal from files, or use of a city record is prohibited. A city record exempted from public disclosure under state or federal law is not made subject to disclosure by its designation as city property under this section.

(b) A city record may not be sold, loaned, given away, destroyed, or otherwise alienated from the city’s custody unless in accordance with this chapter or unless destroyed as directed by an expunction order issued by a district court pursuant to state law. This subsection does not apply to a city record that is temporarily transferred to a contractor for purposes of microfilming, duplication, conversion to electronic media, restoration, or a similar records management and preservation procedure if the transfer is authorized by the records management officer.

(c) Except when a city record is transferred into the archival custody of DMARC as provided in Subsection (e), legal custody of a city record created or received by a department during the course of business remains with the department director or with the department director of any designated successor of the

department. The legal custodian, as guardian of the record, does not relinquish responsibility for the care, preservation, or legal disposition of the record even though physical custody of the record for maintenance and preservation purposes may be held by another department or agency. The physical custodian of the record is also responsible for complying with all records management program requirements, policies, and procedures. An original city record may not leave the custody of the department concerned when being used by a member of the public.

(d) Every officer or employee shall deliver to any successor all city records pertaining to the office held by the city officer or employee.

(e) The legal and physical custody of a city record that has continuing historical value to the city may be transferred to DMARC upon agreement between the department director and the records management officer. DMARC's custody of the record subsequently will be known as archival custody, and ownership of the record remains with the city.

(f) DMARC shall have legal and physical custody of all city records belonging to any defunct department that does not have a named successor.

(g) The records management policy committee shall review and determine, as necessary, custodial responsibilities for city-wide electronic applications. Custodial responsibility must be determined prior to systems design or implementation. (Ord. Nos. 20787; 23267)

**SEC. 39C-6. RECORDS INVOLVED IN PUBLIC INFORMATION REQUESTS, PENDING LITIGATION, OR PENDING AUDITS.**

The destruction of a city record involved in a pending request under the Public Information Act, pending litigation, or a pending audit is prohibited, even if the destruction of the record is authorized by an approved records retention and disposition schedule. (Ord. Nos. 20787; 23267)

**SEC. 39C-7. DUTIES AND RESPONSIBILITIES OF THE CITY COUNCIL.**

The city council shall:

(1) establish, promote, and support an active and continuing program for the efficient and economical management of all city records;

(2) cause policies and procedures to be developed for the administration of the records management program under the direction of the records management officer;

(3) facilitate the creation and maintenance of city records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the city and designed to furnish the information necessary to protect the legal and financial rights of the city, the state, and persons affected by the activities of the city;

(4) facilitate the identification and preservation of city records that are of permanent value;

(5) facilitate the identification and protection of essential records;

(6) approve all records retention and disposition schedules, after review and approval of the department director, the records management officer, and the records management policy committee, and direct the records management officer to file approved schedules or a written certification of compliance with the director and librarian of the Texas State Library and Archives Commission as required by state law and this chapter; and

(7) be subject to the same duties and responsibilities required of a department by this chapter, any policy or procedure established under this chapter, and state law, and the mayor shall be subject to the same duties and responsibilities required of a department director by this chapter, any policy or procedure established under this chapter, and state law. (Ord. Nos. 20787; 23267)

**SEC. 39C-8. ESTABLISHMENT OF THE RECORDS MANAGEMENT POLICY COMMITTEE.**

(a) A records management policy committee consisting of the city attorney, the city auditor, the city manager, and the city secretary is hereby established. Three members of the committee constitute a quorum. A member of the committee may designate a representative to serve in the member's place by filing a written designation with the city secretary. Each action of the committee requires a majority vote of the committee members present.

(b) The records management officer shall attend committee meetings, participate in discussions, and serve as a nonvoting advisor to the committee.

(c) The city secretary shall:

- (1) chair the committee;
- (2) coordinate, document, and report to the city council the actions of the committee; and
- (3) oversee the city's records management program as administered by the records management officer.

(d) The committee shall:

- (1) review and approve policy and procedural recommendations submitted by the records management officer and establish other requirements, policies, and procedures necessary for the implementation and administration of the records management program for the city;
- (2) review the performance of the records management program on a regular basis and propose changes and improvements if needed;
- (3) review and approve records retention and disposition schedules submitted by the records management officer;
- (4) give final approval to the destruction of records in accordance with approved records retention and disposition schedules;

(5) actively support and promote the records management program throughout the city; and

(6) review city-wide and departmental policies as the committee determines necessary to ensure compliance with the records management program, this chapter, and state law. (Ord. Nos. 20787; 23267)

**SEC. 39C-9. DUTIES AND RESPONSIBILITIES OF RECORDS MANAGEMENT OFFICER.**

In addition to other duties assigned by this chapter and state law, the records management officer shall:

- (1) administer the city's records management program under the direction of the city secretary and provide advice and assistance to department directors in its implementation;
- (2) recommend and prepare for approval by the records management policy committee requirements, policies, and procedures for the city's records management program;
- (3) review, approve, and submit for the approval of the records management policy committee and the city council records retention and disposition schedules for all departments in accordance with Section 39C-14 of this chapter;
- (4) in cooperation with department directors, identify essential records and establish a records disaster and recovery plan for each department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (5) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the city's records retention and disposition schedules are in compliance with state regulations;
- (6) disseminate to the city council, the department directors, and the records management

policy committee information concerning state laws and administrative rules relating to city records;

(7) instruct records liaison officers and other personnel in records management program policies and procedures;

(8) direct records liaison officers and other personnel in the conduct of records inventories in preparation for the development of records retention and disposition schedules as required by the records management program, this chapter, and state law;

(9) ensure that the creation, maintenance, preservation, microfilming, electronic storage, destruction, and other disposition of city records is carried out in accordance with the requirements, policies, and procedures of the records management program, this chapter, and state law;

(10) file in accordance with state law a written certification of compliance with the director and librarian of the Texas State Library and Archives Commission stating that the city has adopted a records retention and disposition schedule or an amended schedule that meets minimum requirements adopted by the Texas State Library and Archives Commission, in lieu of filing the records retention and disposition schedule or amended schedule with the director and librarian;

(11) report annually to the city council on records management program accomplishments, issues, and compliance status;

(12) bring to the attention of the records management policy committee, the city manager, and the city council any noncompliance by a department director or other personnel with the requirements, policies, and procedures of the records management program, this chapter, or state law;

(13) certify compliance of the city's electronic recordkeeping systems to the director and librarian of the Texas State Library and Archives Commission as required by state law;

(14) develop, and submit for approval by the records management policy committee, procedures to ensure the permanent preservation of the historically valuable records of the city;

(15) conduct periodic reviews of departmental recordkeeping practices and records retention and disposition schedules to ensure that the schedules are kept current;

(16) provide uniform standards and efficient controls over the creation, identification, appraisal, maintenance, protection, preservation, transfer, retention, and disposition of city records;

(17) conduct surveys, studies, and information systems assessments to assist in promoting a proper and efficient records management program for the city, including microfilming services and automated information systems, and report the results of such surveys, studies, and assessments to the records management policy committee;

(18) inspect all city records as directed by the records management policy committee, the city secretary, or the city council, or as otherwise necessary to ensure compliance with the records management program, this chapter, and state law;

(19) review city-wide and departmental policies as the records management officer determines necessary to ensure compliance with the records management program, this chapter, and state law;

(20) in cooperation with department directors, incorporate records management policies, objectives, responsibilities, and authorities in pertinent departmental directives in accordance with the records management program, this chapter, and state law;

(21) establish, and submit for approval by the records management policy committee, procedures for addressing records management program requirements at the design phase of recordkeeping systems in accordance with the records management program, this chapter, and state law;

(22) review user requirements, cost feasibility studies, systems requirements, systems specifications, bid specifications, and other systems design documents to ensure that recordkeeping requirements and public access requirements are incorporated into electronic recordkeeping systems at the design phase in accordance with the records management program, this chapter, and state law;

(23) establish, and submit for approval by the records management policy committee, procedures for the use of approved general retention and disposition schedules by city departments in accordance with the records management program, this chapter, and state law;

(24) serve as the city’s liaison to the director and librarian of the Texas State Library and Archives Commission for records management program requirements; and

(25) file any revisions to this chapter with the director and librarian of the Texas State Library and Archives Commission within 30 days after adoption as required by state law. (Ord. Nos. 20787; 23267)

**SEC. 39C-10. RECORDS MANAGEMENT PROGRAM TO BE DEVELOPED; APPROVAL OF PROGRAM; AUTHORITY OF PROGRAM.**

(a) The records management officer and the records management policy committee shall develop a city-wide records management program. Program requirements, policies, and procedures must be in the form of an administrative directive or in a form or manner determined by the records management policy committee. The program requirements, policies, and procedures must be designed to enable the records management officer to carry out duties as prescribed by this chapter and state law.

(b) The records management program requirements, policies, and procedures must:

(1) adequately protect the essential records of the city;

(2) properly preserve city records that are of historical value;

(3) establish criteria for city-wide and departmental records management program compliance, including requirements for conducting departmental records inventories, preparing retention and disposition schedules, and certifying retention and disposition schedules and electronic recordkeeping systems;

(4) establish functional recordkeeping requirements to improve the efficiency of recordkeeping and to ensure the creation of adequate and proper documentation of the city’s activities and transactions;

(5) create policies to implement rules adopted by the Texas State Library and Archives Commission and required by state law, including requirements for public access, microfilming, electronic document imaging, and electronic storage of city records;

(6) create policies to address records management program requirements and needs as technology evolves;

(7) provide for review by the records management officer and records management policy committee of all electronic recordkeeping systems design prior to purchase or implementation of the systems;

(8) ensure the development and maintenance of up-to-date documentation for all electronic records systems that will adequately specify the technical characteristics of each system necessary to reading, processing, or preserving city records until the disposition of the records is authorized;

(9) provide for the creation of adequate audit trails;

(10) incorporate electronic records management objectives, responsibilities, and authorities in pertinent city directives, policies, and procedures; and

(11) ensure the ability to access city records regardless of form or medium.

(c) The records management program requirements, policies, and procedures are binding on all city officers and employees and on all departments, offices, agencies, divisions, programs, commissions, bureaus, boards, committees, task forces, ad hoc committees, and similar entities of the city. (Ord. Nos. 20787; 23267)

**SEC. 39C-11. DUTIES AND RESPONSIBILITIES OF DEPARTMENT DIRECTORS.**

(a) In addition to other duties assigned by this chapter and state law, every department director shall:

(1) cooperate with the records management officer in carrying out the policies and procedures established in the city for the efficient and economical management of city records and in carrying out the requirements of the records management program, this chapter, and state law;

(2) adequately document the transaction of government business and the policies, services, programs, functions, activities, and duties for which the department director and department staff are responsible;

(3) maintain city records in the department director's custody and carry out the preservation, microfilming, electronic storage, destruction, and other disposition of those records only in accordance with the records management program, this chapter, and state law;

(4) review and approve records retention and disposition schedules and requests to dispose of city records that are prepared and submitted by or under the direction of the records management officer;

(5) notify the records management officer within 24 hours of the discovery of any loss, theft, or damage to a city record;

(6) ensure the ability to access records regardless of form or medium;

(7) biannually submit a records management program compliance status report to the records management officer;

(8) notify the records management officer of proposed electronic recordkeeping systems to ensure compliance with electronic recordkeeping requirements established by the records management program, this chapter, and state law;

(9) ensure electronic records in the director's custody are migrated forward as technology

changes, for as long as the records are determined to have value, and ensure that requests for funding for new systems or systems enhancements address requirements for back-up, re-copying, disaster recovery, security, public access, audit trails, and other recordkeeping requirements in accordance with the records management program, this chapter, and state law;

(10) conduct a cost feasibility study that incorporates document profiles and a work flow analysis for proposed electronic recordkeeping systems or systems enhancements in accordance with the records management program, this chapter, and state law;

(11) appoint a department records liaison officer in accordance with Section 39C-12 of this chapter;

(12) incorporate records management program requirements in pertinent departmental policies and procedures;

(13) in cooperation with the records management officer, identify essential records of the department and establish a records disaster and recovery plan to ensure maximum availability of the records to re-establish operations quickly and with minimum disruption and expense;

(14) prepare and submit to the records management officer all requests for authorization to create or store records electronically, which requests must be submitted in a form and manner approved by the records management officer and the records management policy committee so that they may be submitted by the records management officer to the director and librarian of the Texas State Library and Archives Commission as part of the city's certification of systems compliance as required by the records management program, this chapter, and state law;

(15) submit a departmental records inventory, verified by the departmental records liaison officer, to the records management officer in accordance with criteria established by the records management officer and the records management policy committee; and



(16) annually review departmental records retention and disposition schedules to ensure that the schedules are kept current.

(b) No state law, federal law, city ordinance, or policy relating to the duties, recordkeeping requirements, or other responsibilities of a department director exempts the department director or city records in the department director's custody from the application of this chapter and the records management program adopted under this chapter, nor may such a law or policy be used by the department director as a basis for refusing to participate in the records management program of the city. (Ord. Nos. 20787; 23267)

**SEC. 39C-12. DESIGNATION OF RECORDS LIAISON OFFICERS.**

(a) Each department director shall designate in writing to the records management officer a member of the department director's staff to serve as the records liaison officer for the implementation of the records management program in the department. If the records management officer determines that more than one records liaison officer should be designated for a department, the department director shall designate the number of records liaison officers specified by the records management officer. The department director may serve as records liaison officer for a department.

(b) A person designated as a records liaison officer shall be thoroughly familiar with departmental policies and activities and have full knowledge of and access to all city records created and maintained by the department and by all officers and employees of the department.

(c) If a person designated as a records liaison officer resigns, retires, or is removed by action of the department director, the department director shall promptly designate another person to fill the vacancy. (Ord. Nos. 20787; 23267)

**SEC. 39C-13. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS.**

In addition to other duties assigned by this chapter and state law, a records liaison officer shall:

(1) in cooperation with the records management officer, coordinate and implement the requirements, policies, and procedures of the records management program in the department;

(2) disseminate information to department staff concerning the records management program;

(3) in cooperation with the records management officer, coordinate the records inventory of the department;

(4) verify the accuracy, content, and completeness of the records inventory prior to submission to the records management officer;

(5) review departmental recordkeeping practices for compliance with the records management program and, in consultation with the records management officer, identify practices that require improvement for the purposes of increasing efficiency or implementing corrective action for program compliance;

(6) report any noncompliance with the records management program to the department director in writing; and

(7) correct and re-submit to the records management officer any records inventory that is incomplete or inaccurate. (Ord. Nos. 20787; 23267)

**SEC. 39C-14. RECORDS RETENTION AND DISPOSITION SCHEDULES; APPROVAL; FILING WITH THE STATE.**

(a) The records management officer, in cooperation with department directors and records liaison officers, shall prepare records retention and disposition schedules on a department by department basis that describe, and establish the retention periods for, all city records created or received by each department. A records retention and disposition schedule must contain such other information regarding the disposition of city records as the records management program may require. Every city record identified on a records retention and disposition schedule, in any amendment to the schedule, or in any request for destruction of a record must be specifically described. Any records retention

and disposition schedule, amendment to a schedule, or request for destruction of a record that contains general terms such as "miscellaneous" and "various" to describe any record identified in such a document may not be submitted to the city council, the records management policy committee, or the records management officer for consideration.

(b) Each records retention and disposition schedule must be monitored and amended as needed by the records management officer on a regular basis to ensure that the schedule is in compliance with records retention and disposition schedules issued by the state and that the schedule continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.

(c) Before its adoption by the city council, a records retention and disposition schedule or amended schedule for a department must be approved by the department director, the records management officer, and the records management policy committee.

(d) After city council adoption, a records retention and disposition schedule may not be implemented until the schedule or a written certification of compliance has been submitted by the records management officer to and accepted for filing by the director and librarian of the Texas State Library and Archives Commission, as provided by state law. If a schedule or certification of compliance is not accepted for filing, the schedule must be amended and re-submitted to the city council for adoption to make it acceptable for filing.

(e) The records management officer shall determine whether to file with the director and librarian of the Texas State Library and Archives Commission an approved records retention and disposition schedule or a written certification of compliance. (Ord. Nos. 20787; 23267)

**SEC. 39C-15. IMPLEMENTATION OF RECORDS RETENTION AND DISPOSITION SCHEDULES; DESTRUCTION OF CITY RECORDS UNDER SCHEDULE.**

(a) The department director and records liaison officer of a department for which a records

retention and disposition schedule has been approved and adopted under Section 39C-14 shall implement the schedule in accordance with the requirements, policies, and procedures of the records management program, this chapter, and state law.

(b) A department director or records liaison officer shall notify the records management officer when a city record is eligible for disposition and shall prepare and submit to the records management officer a records disposition request, if required by the applicable records retention and disposition schedule, as a condition for disposition of the city record.

(c) Before a city record is destroyed under an approved records retention and disposition schedule, the records management officer must obtain authorization for the destruction from the records management policy committee, unless the approved schedule specifies that the record may be destroyed without additional review or authority of the records management policy committee.

(d) A city record whose retention period has expired on an approved records retention and disposition schedule must be destroyed unless:

(1) a request under the Public Information Act is pending on the record;

(2) the subject matter of the record is pertinent to pending litigation or a pending audit;

(3) the department director or a member of the records management policy committee requests in writing to the records management officer that the record be retained for an additional period, which request must clearly state the reason for the continued retention; or

(4) the records management officer sends written notification to a department director that the records must be held pending review for historical appraisal. (Ord. Nos. 20787; 23267)

**SEC. 39C-16. DESTRUCTION OF UNSCHEDULED RECORDS.**

A city record that is obsolete or that has not

been identified on an approved records retention and disposition schedule may be destroyed if:

(1) its destruction has been approved in the same manner required by this chapter for the destruction of a record that is identified on an approved records retention and disposition schedule; and

(2) the Texas State Library and Archives Commission has:

(A) through its director and librarian approved a request for destruction authorization submitted by the records management officer; or

(B) by rule excepted the destruction of the record from further notice to the director and librarian of the Texas State Library and Archives Commission. (Ord. Nos. 20787; 23267)

**SEC. 39C-17. DALLAS MUNICIPAL ARCHIVES AND RECORDS CENTER.**

(a) The Dallas municipal archives and records center (DMARC) serves as a centralized records storage facility for all departments for the storage of noncurrent city records. DMARC also serves as the repository for permanent and historical city records that are transferred to the facility by departments.

(b) DMARC is under the direct control and supervision of the records management officer. The records management officer shall establish policies and procedures regulating the operations and use of DMARC by city departments. (Ord. Nos. 20787; 23267)

**SEC. 39C-18. MICROFILMING CITY RECORDS.**

(a) City records may be microfilmed in accordance with the records management program, this chapter, state law, and the administrative rules of the Texas State Library and Archives Commission.

(b) Every department director shall coordinate the microfilming of a city record with the records management officer. The records management

officer shall periodically review each department's microfilm programs as to cost-effectiveness, administrative efficiency, and compliance with the records management program, this chapter, state law, and the administrative rules of the Texas State Library and Archives Commission. (Ord. Nos. 20787; 23267)

**SEC. 39C-19. ELECTRONIC STORAGE OF CITY RECORDS.**

(a) The creation, maintenance, preservation, electronic document imaging, and storage of the electronic records of the city must comply with the records management program, this chapter, state law, and the administrative rules of the Texas State Library and Archives Commission.

(b) Before a city record may be stored electronically, a department director must submit a request for authorization for the electronic storage of the record to the records management officer as required by the records management program, this chapter, and state law. (Ord. Nos. 20787; 22026; 23267)

**SEC. 39C-20. RIGHT OF RECOVERY.**

The city may demand and receive from any person any city record in private possession that was created or received by the city, the removal of which was not authorized by law. (Ord. Nos. 20787; 23267)

**SEC. 39C-21. PENALTY.**

An officer or employee who knowingly or intentionally violates a provision of this chapter or a requirement, policy, or procedure adopted under this chapter may be subject to prosecution and penalties under the Local Government Records Act. (Ord. Nos. 20787; 23267)

## Records Management Program

*[Intentionally left blank]*