



# County Technical Assistance Service

Published on e-Li (<http://ctas-eli.ctas.tennessee.edu>)

October 18, 2019

## Permanent Records

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## Permanent Records

**Reference Number:** CTAS-1192

Permanent records are records of such value that they must always be retained in some kind of permanent format. Examples of permanent records are the deeds filed in a registers office, the minutes of the county commission, and the original process in a civil or criminal proceeding. Some records, like deeds, are kept permanently because the record continues to have legal significance in perpetuity. Other records are permanent because they preserve certain information about the way we live and conduct government and are therefore valuable historically. Still others are useful for statistical or planning purposes. Then there are those that are permanent simply because there are laws that have declared them to be so. All of these need to be kept in such a manner as to preserve them indefinitely. However, while the information in the record must be preserved, you do not necessarily have to keep the original paper copy of these records.

### Duplication of Permanent Records

If you can safely and successfully convert paper records into another permanent media that is easier to store, the original paper version of the records can be destroyed.<sup>[1]</sup> This is where the checks and balances are extremely important. No original permanent public record may be destroyed under the law unless a majority of the county public records commission agrees.<sup>[2]</sup> The records commission should take this review seriously and make certain that the original records were completely and accurately reproduced into a durable medium by the official or his or her contractor before giving approval to destroy the paper. Before destruction, there are also notice requirements. There are two major types of alternative storage formats for records that are recognized in the law: photographic and electronic. However, the State Library and Archives does not consider any existing format for electronic records to be of permanent archival quality. See [Alternative Storage Formats](#) for more information

### Notice Requirements in Destroying Original Copies of Permanent Records

Even after authorization for destruction of original paper records has been granted by the county public records commission, no *permanent value* record may be destroyed until notice is given to the Tennessee State Library and Archives of the intent to do so. Notice is to be given at least 90 days prior to destroying the records.<sup>[3]</sup> Upon receiving notice, the staff of the state archives is directed to examine the records approved for destruction and take into its possession any records believed by the state archivist to be of historical value for permanent preservation. If the records commission receives no reply after nine months from the date of providing notice to the Tennessee State Library and Archives of the intent to destroy records, it may proceed with the destruction of the records described in the notice.<sup>[4]</sup> However, county officials should note that the Tennessee State Library and Archives considers the wisdom of this practice to be very questionable and should only be used in rare cases if ever.

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<sup>[1]</sup> T.C.A. § 10-7-406.

<sup>[2]</sup> T.C.A. § 10-7-404(a).

<sup>[3]</sup> T.C.A. § 10-7-413(a).

<sup>[4]</sup> T.C.A. § 10-7-413(a).

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**Source URL:** <http://ctas-eli.ctas.tennessee.edu/reference/permanent-records>

