

Topic: Retention of Corporate Business Documents  
 Question by: Tana Gormely  
 Jurisdiction: Montana  
 Date: 2011 May 11

Jurisdiction	Question(s)
	<b>For jurisdictions following scanning or microfilming of their business documents, do you continue to retain the original (initial) paper document or do you destroy/shred the original paper?</b>
<b>Manitoba</b>	
<b>Corporations Canada</b>	Corporations Canada is responsible for incorporating business and not-for-profit corporations that wish to incorporate federally in Canada, as opposed to provincially or territorially. Most of the documents we receive -- formation documents incorporating businesses, amendments, dissolutions and merger documents -- are received electronically and retained electronically permanently in pdf format in our offices. We scan all of the documents we receive in paper and we permanently retain their images in pdf form. After we scan the original paper documents, we do not destroy them. We retain them in boxes kept in a storage area near our offices pending our decision to either destroy them or keep them permanently. Corporate files closed prior to the date that we started scanning all of our active files, about eight years ago, are retained in a federal government archives facility.
<b>Alabama</b>	
<b>Alaska</b>	
<b>Arizona</b>	
<b>Arkansas</b>	
<b>California</b>	With the exception of annual and biennial reports, business entity documents are retained permanently. Annual and biennial reports submitted on paper are destroyed once they've been scanned, matched with corresponding data, quality checked/verified and microfilmed.
<b>Colorado</b>	We destroy the original after it has been scanned.
<b>Connecticut</b>	
<b>Delaware</b>	

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<b>District of Columbia</b>	In the District of Columbia we have started scanning all corporate filings since 1999. Until last year we have had both paper and scanned copies of each document. There was an issue with storage costs, etc. Last year we have requested opinion from the Attorney General's office to start shredding the paper records. Our request was granted and now we are operating with scanned images only.
<b>Florida</b>	In Florida, documents are first imaged and destroyed 3 years later as established by our records retention schedule. Over the years we've had requests for original documents for finger print purposes. Some we still had, some we did not. There was never an issue either way.
<b>Georgia</b>	
<b>Hawaii</b>	In Hawaii, after the documents are scanned, it is stored for one year and then destroyed.
<b>Idaho</b>	We had planned to destroy the paper documents after imaging, but that never happened. Currently, all of our paper documents are imaged and then sent to our Records Dept, where they are stored for whatever retention period is required by rule. Eventually, all paper documents are sent to archives, who decide what will be kept for historical value and what will be destroyed. They are also having a huge storage issue. [same as WA]
<b>Illinois</b>	
<b>Indiana</b>	
<b>Iowa</b>	
<b>Kansas</b>	In Kansas currently our policy on most documents is to return the original to the customer and some we retain until quality control is performed and then destroy. We are moving towards returning a copy of the scanned document to the customer and retaining the original until quality control is performed and then all originals will be destroyed. We do not maintain any originals for historical purposes.
<b>Kentucky</b>	
<b>Louisiana</b>	In Louisiana we shred the documents once the images are verified.
<b>Maine</b>	
<b>Maryland</b>	
<b>Massachusetts</b>	
<b>Michigan</b>	
<b>Minnesota</b>	
<b>Mississippi</b>	

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<b>Missouri</b>	In Missouri we retain the paper after scanning the documents.
<b>Montana</b>	
<b>Nebraska</b>	
<b>Nevada</b>	Nevada Law allows paper documents to be destroyed once they have been scanned or filmed. We generally hold on to the paper documents for approximately 3 months, until the scanned copies have been placed on film (State long-term archival medium.) Once this is accomplished we have a third party contract that shreds the documents on site. Certain documents that may have historical significance (when identified) are forwarded to the State Archives for retention or disposal as necessary.
<b>New Hampshire</b>	New Hampshire does retain the originals after scanning. In addition to the historical reasons there could be some legal reasons. Several years back we had some original documents (that were a few years old at the time) subpoenaed by the Feds in a drug running case. The documents were tested for fingerprints. They were looking for a specific set so we didn't have to worry about exclusion. In case you are wondering the purpose on the corporation Articles was "Chartered air freight".
<b>New Jersey</b>	
<b>New Mexico</b>	
<b>New York</b>	In NY the paper certificates are scanned and then destroyed.
<b>North Carolina</b>	For all other documents, except current/active filings the retention schedule indicates the document can be destroyed after scanning and microfilming. If the entity withdraws or dissolves, the documents for the entity are pulled, images are made if not already done and they are microfilmed. The withdraws and dissolutions can then be destroyed. Annual reports can be destroyed once quality control has been completed on the image.
<b>North Dakota</b>	North Dakota shreds corporate/business documents after they are scanned and audited.
<b>Ohio</b>	Following the scanning of our business documents, we retain the paper copy for 5 years and then destroy, pursuant to our records retention schedule.
<b>Oklahoma</b>	
<b>Oregon</b>	
<b>Pennsylvania</b>	
<b>Rhode Island</b>	
<b>South Carolina</b>	
<b>South Dakota</b>	

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<b>Tennessee</b>	
<b>Texas</b>	Texas scans documents and maintains the paper originals for the required records retention period. The originals are then destroyed. The Government Code provides as follows:  Sec. 405.020. PUBLIC RECORDS. (a) The secretary of state shall permanently maintain as a public record any instrument, or the information included in any instrument, that is filed with the secretary of state evidencing the organization of, or otherwise in connection with, any entity formed under the laws of this state. (b) The secretary of state shall maintain the records required under Subsection (a) in any form the secretary of state considers appropriate.
<b>Utah</b>	What you say about the "historical significance" of some documents warrants perpetual preservation. In Utah, all our business origination documents and any amendments/mergers, etc. are retained perpetually in storage. We have not reclassified them nor do we plan to any time soon.
<b>Vermont</b>	
<b>Virginia</b>	Virginia keeps the paper for 1 year before destroying it. The official medium for storing documents is microfilm (although we scan it, too), so technically the paper is not needed after the microfilm record is produced.
<b>Washington</b>	We had planned to destroy the paper documents after imaging, but that never happened. Currently, all of our paper documents are imaged and then sent to our Records Dept, where they are stored for whatever retention period is required by rule. Eventually, all paper documents are sent to archives, who decide what will be kept for historical value and what will be destroyed. They are also having a huge storage issue.
<b>West Virginia</b>	WV does not currently have a retention procedure in place, nor is there anything in Code. However, we are in the process of developing a retention plan and hope to submit legislation regarding it in the 2011 Legislative Session.
<b>Wisconsin</b>	In Wisconsin, we keep the paper documents for 3 months after scanning into the system and then destroy them. For our records on microfiche, we keep the microfiche for 3 months after we converted the documents on microfiche to a scanned image and then destroy the microfiche. This is set in our Records Disposition Authorization.
<b>Wyoming</b>	

**Additional comments:**

**Full text of email:**

Good morning,

I would appreciate hearing if jurisdictions following scanning or microfilming of their business documents continue to retain the original (initial) paper document or do you destroy/shred the original paper? In the past, Montana was advised by legal council to “not” destroy the original paper document because it could potentially if not already have historical value. We did have a few documents containing Abraham Lincoln’s signature, which we turned over to the Historical Society. There is discussion now about freeing up needed storage space and disposing of the paper document.

I appreciate your feedback.

Thank you and I look forward to seeing you at this year’s conference.

Tana Gormely

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