

Topic: Records Retention
 Question by: Patricia A. Hegedus
 Jurisdiction: Pennsylvania
 Date: June 13, 2012

Jurisdiction	Question(s)
	<p>Currently Pennsylvania has a requirement that all corporate and UCC filings are to be kept in perpetuity and the medium is to be microfilm. The thinking is that microfilm will always be around and other methods are constantly evolving and would require continual costs for converting to the newest, greatest method.</p> <p>We are interested in seeing what other states requirements are for retention of documents and the methods for retention of those documents. Any input you have on your states retention time frames and methods would be greatly appreciated. Also, if you have any information on attempts/successes to change to a different method of retaining records would be helpful. Thanks for your help.</p>
Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	<p>In Arizona, corporation and LLC records must be kept permanently, and the only approved medium, other than the original paper, is microfilm. The original paper document is kept for 3 years or until microfilmed, whichever comes first.</p> <p>Our paper documents are stored at the State Archives until it is time to purge them. The original microfilm roll is also sent for storage at the State Archives.</p>
Arkansas	
California	
Colorado	
Connecticut	
Delaware	

Jurisdiction	Question(s)
	<p>Currently Pennsylvania has a requirement that all corporate and UCC filings are to be kept in perpetuity and the medium is to be microfilm. The thinking is that microfilm will always be around and other methods are constantly evolving and would require continual costs for converting to the newest, greatest method.</p> <p>We are interested in seeing what other states requirements are for retention of documents and the methods for retention of those documents. Any input you have on your states retention time frames and methods would be greatly appreciated. Also, if you have any information on attempts/successes to change to a different method of retaining records would be helpful. Thanks for your help.</p>
District of Columbia	<p>In the District of Columbia we retain all corporate filings in perpetuity and we scan all filings into our imaging database and after backup we destroy the originals.</p> <p>We no longer retain the copies in the microfilm or retain paper copies in storage like we used to.</p>
Florida	<p>In Florida, we have scanned and imaged all business entity documents since 1995. The paper documents are kept for various short term periods after scanning which is determined by State Records Retention Guidelines.....3 years and less usually. After the retention schedule is met, the documents are destroyed by the State Records Center. The digital documents are maintained permanently. We create way too much paper to keep it permanently. We have not microfilmed documents since 1995 and some old microfilm records are now deteriorating.</p>
Georgia	
Hawaii	<p>In Hawaii, we have been scanning documents approximately from Feb.-Mar. 2001. After the documents are scanned, the paper documents are stored for one year and then destroyed.</p> <p>Prior to Feb.-Mar 2001, paper files are kept here or at the Archives office indefinitely.</p>
Idaho	<p>Idaho is the same as North Dakota.</p>
Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	

Jurisdiction	Question(s)
	<p>Currently Pennsylvania has a requirement that all corporate and UCC filings are to be kept in perpetuity and the medium is to be microfilm. The thinking is that microfilm will always be around and other methods are constantly evolving and would require continual costs for converting to the newest, greatest method.</p> <p>We are interested in seeing what other states requirements are for retention of documents and the methods for retention of those documents. Any input you have on your states retention time frames and methods would be greatly appreciated. Also, if you have any information on attempts/successes to change to a different method of retaining records would be helpful. Thanks for your help.</p>
Louisiana	<p>In Louisiana, Corporate documents are kept with the Secretary of State's office and are scheduled as permanent records. The records are maintained for administrative use in image format and for preservation there is a microfilm backup. Some of the very old documents are on paper and on microfilm. Louisiana law does not allow records that are scheduled as permanent to be kept solely in electronic format only for similar reasons to the one's Pennsylvania listed.</p> <p>UCC records are a bit different since the original filings are held by the Clerk of Courts and the Master Index and searches are held by the Secretary of State's Office. The preceding record series to UCCs were Chattel Mortgages which the Clerks of Court have been allowed to Schedule as an ACT+ 10 CY (where ACT= until the end of the CY in which the instrument expired and was not re-inscribed). Technically, the retention period for UCC's would be the same but many Clerks have been holding on to them as permanent records because of the switch to UCC and the master index questions that weren't resolved when those clerks who have schedules were developing their schedules were determining retention periods.</p> <p>Currently the index and the search criteria have been kept since UCC database was created. Certificates are not maintained and it only shows what the criteria was at the time. Running it again will not necessarily produce the same results. This detail now also exists on the clerk's billing detail report as well since 2010. There is a feature of the system in place that the last 20 certificates issued for a clerk are maintained as a backup in case of a printer malfunction. Retention on this system has not been finalized as of this email. Not sure if the final answer will be permanent or something like ACT+ 10 CY or ACT+ 20 CY.</p>
Maine	
Maryland	
Massachusetts	
Michigan	<p>Most of the documents in Michigan received by the Corporation Division have a permanent retention period; our R&D scheduled permits for various types of medium due to the changes in technology.</p>
Minnesota	

Jurisdiction	Question(s)
	<p>Currently Pennsylvania has a requirement that all corporate and UCC filings are to be kept in perpetuity and the medium is to be microfilm. The thinking is that microfilm will always be around and other methods are constantly evolving and would require continual costs for converting to the newest, greatest method.</p> <p>We are interested in seeing what other states requirements are for retention of documents and the methods for retention of those documents. Any input you have on your states retention time frames and methods would be greatly appreciated. Also, if you have any information on attempts/successes to change to a different method of retaining records would be helpful. Thanks for your help.</p>
Mississippi	
Missouri	
Montana	<p>Our legal counsel has recommended that we retain business documents forever.</p> <p>In our upcoming new UCC system documents will not be purged however they will be unavailable for public view one year after they have lapsed. The paper documents will be shredded five years after receipt because the new system is an imaged base system.</p>
Nebraska	
Nevada	
New Hampshire	<p>New Hampshire keeps documents in perpetuity as well. Our Records Management & Archives determines the means but primarily it is paper with some microfilm/fiche as backup. Since 2004 we have been scanning document into our system.</p>
New Jersey	
New Mexico	
New York	
North Carolina	<p>North Carolina's retention schedules are much like yours that we are required to place the images on microfilm. In 2005, we purchased an Archive Writer, which takes the scanned image and creates the scanned images on microfilm. This has work well for our office, as we keep an electronic disk of the images processed and the microfilm is provided to State Archives.</p>

Jurisdiction	Question(s)
	<p>Currently Pennsylvania has a requirement that all corporate and UCC filings are to be kept in perpetuity and the medium is to be microfilm. The thinking is that microfilm will always be around and other methods are constantly evolving and would require continual costs for converting to the newest, greatest method.</p> <p>We are interested in seeing what other states requirements are for retention of documents and the methods for retention of those documents. Any input you have on your states retention time frames and methods would be greatly appreciated. Also, if you have any information on attempts/successes to change to a different method of retaining records would be helpful. Thanks for your help.</p>
North Dakota	<p>In North Dakota, we have moved away from the microfilm as well as the paper documents. State Archives has now charged the Secretary of State with the permanent retention of all digital documents. So, when our system migrates to a new repository, all digital records in our repository have to be accessible in a printable and readable format. We do not retain paper documents after the digital format has been created and the system back-ups performed.</p>
Ohio	<p>Ohio's record retention schedule for business and UCC filings is as follows:</p> <p>Paper records are imaged or microfilmed at the imaging center, checked for completeness, then sent to the records center for five (5) years, then destroy. Microform & machine readable records are retained permanently.</p>
Oklahoma	
Oregon	<p>All of Oregon's UCC records are digital and business entity records (which, unlike UCC, are permanent) are digital or in the process of conversion to digital. Our archives is only interested in keeping pre-1900 records for historical purposes, and they choose what medium they will keep those records in.</p> <p>The basic decision made about 15 years ago was over digital vs. "human-readable" media for permanent storage. It was decided at that time that digital was acceptable, so long as such records were not allowed to be stored on an obsolete platform. In practice, this has not been an issue, since we have to be able to access records at any time, so migration to the current application automatically includes the commitment to update the digital records, if necessary.</p> <p>In other words, we don't send records off to moulder in some dusty corner; they are a part of both our live and redundant document storage, so they must be accessible/readable at all times. Media is not therefore an issue.</p>
Pennsylvania	
Rhode Island	
South Carolina	

Jurisdiction	Question(s)
	<p>Currently Pennsylvania has a requirement that all corporate and UCC filings are to be kept in perpetuity and the medium is to be microfilm. The thinking is that microfilm will always be around and other methods are constantly evolving and would require continual costs for converting to the newest, greatest method.</p> <p>We are interested in seeing what other states requirements are for retention of documents and the methods for retention of those documents. Any input you have on your states retention time frames and methods would be greatly appreciated. Also, if you have any information on attempts/successes to change to a different method of retaining records would be helpful. Thanks for your help.</p>
South Dakota	
Tennessee	
Texas	
Utah	<p>Utah's records are held perpetually, but the medium is designated by the archive folks.....we currently have digital images as well as microfilm. But paper will always be around.....</p>
Vermont	
Virginia	
Washington	<p>In Washington State, our corporate records are held in perpetuity. In the past, we have retained paper and microfilmed it.</p> <p>Since 2003, we scan paper documents and receive online records, all of which are stored in a digital format. Our intention is to continue retaining paper, until we phase it out, and move forward with only digital.</p>
West Virginia	
Wisconsin	<p>In Wisconsin, we started scanning and imaging documents in July 2001. After we image the paper documents, we keep the paper for 3 months and then destroy. The images are kept permanently. If a document is filed on a record that was previously stored on microfiche, we pull the microfiche and scan and image the documents that are on the microfiche so the entire record is then imaged. After the microfiche has been scanned, we keep the fiche for 3 months and then destroy.</p>
Wyoming	

Additional comments:

Full text of email:

Currently Pennsylvania has a requirement that all corporate and UCC filings are to be kept in perpetuity and the medium is to be microfilm. The thinking is that microfilm will always be around and other methods are constantly evolving and would require continual costs for converting to the newest, greatest method.

We are interested in seeing what other states requirements are for retention of documents and the methods for retention of those documents. Any input you have on your states retention time frames and methods would be greatly appreciated. Also, if you have any information on attempts/successes to change to a different method of retaining records would be helpful. Thanks for your help.

Patricia A. Hegedus | Division Chief

Business Processing, Certification and UCC

PA Department of State | Corporation Bureau

401 North Street, Room 206 | Harrisburg, PA 17120

Phone: 717.772.2149 | Fax: 717.783.2244

www.dos.state.pa.us