



Statement of Position Maintenance of Town Records

Town records need to be preserved. Minnesota law requires all town officers to make and preserve all records necessary for “a full and accurate knowledge of their official activities.”¹ The town’s “chief administrative officer” is responsible for the preservation and care of the town’s records, which include all “written or printed books, papers, letters, contracts, documents, maps, plans, computer-based data, and other records made or received pursuant to law or in connection with the transaction of public business.”²

The duty to preserve records not only prohibits destruction, but requires the custodian to take such steps as are necessary to protect public records from deterioration, mutilation, loss, or destruction. For example, critical town documents should be maintained in a fireproof file.

Town records must be accessible. By law, a town clerk is required to “keep in the clerk’s office a true record of all of its proceedings” and to “file and safely keep all papers required by law to be filed in the clerk’s office.”³ Similarly, towns must maintain a “journal or minutes” of votes taken at an open meeting.⁴ The journal or minutes must be “open to the public during all normal business hours where records of the public body are kept.”⁵

In addition, “urban townships” located in the seven-county metropolitan area must comply with the Minnesota Government Data Practices Act (“MGDPA”).⁶ Among other requirements, the MGDPA requires the “responsible authority” to keep records containing government data “in such an arrangement and condition as to make them easily accessible for convenient use.”⁷

Maintaining documents at the town hall may provide easier access than keeping the documents at a private residence. In addition, keeping records at a private residence may present different security risks for the records than a secure town hall location. The security risks include risks to both the records themselves and to any “not public” information contained in the records. However, we recognize that many towns do not have a town hall in which town records may be securely stored, and many towns do not maintain regular business hours. As a result, some towns make other arrangements for providing

¹ Minn. Stat. § 15.17, subd. 1.

² Minn. Stat. § 15.17, subd. 2.

³ Minn. Stat. § 367.11.

⁴ Minn. Stat. § 13D.01, subd. 4.

⁵ Minn. Stat. § 13D.01, subd. 5.

⁶ See Minn. Stat. §§ 13.03, subd. 1; 13.02, subds. 7a and 11; and 473.121, subd. 2.

⁷ Minn. Stat. § 13.03, subd. 1.

Reviewed: June 2025

2008-1002

Revised: June 2025

This Statement of Position is not legal advice and is subject to revision.

access to their records, such as allowing town documents to be viewed at town board meetings or at times mutually convenient for the parties.⁸

The town board of supervisors should determine where town records will be maintained based upon Minnesota law and the options available to the town. In addition, a town may want to consult with the Minnesota Association of Townships' (MATs') or the town's attorney to make sure that the maintenance of town records is in compliance with Minnesota law.

Records related to the receipt and disbursement of public funds are necessary for a full understanding of the town's official activities, and as a result these records are subject to Minn. Stat. § 138.17. Pursuant to section 138.17, records cannot be destroyed except at the direction of the Records Disposition Panel. Townships cannot destroy records except (1) according to a records retention schedule approved by the State Records Disposition Panel and adopted by the town board of supervisors,⁹ or (2) with specific permission to destroy the data from the State Records Disposition Panel.

A Township General Records Retention Schedule (General Schedule) has been prepared by the Minnesota Association of Townships (MAT) and approved by the Records Disposition Panel. A town can use this schedule or create its own. If it adopts the General Schedule, it need only adopt the General Schedule through town board action and then notify the Minnesota Historical Society. If it drafts and adopts its own schedule, the town will need to take the additional step of having that schedule approved by the Records Disposition Panel. For more information on the process of adopting and approving a records retention schedule for your town, see the Minnesota Historical Society document entitled "Preserving and Disposing of Government Records" at

www.mnhs.org/sites/default/files/node/17659/pandd_nov2017_v3.pdf

⁸ See, e.g., "Establishing an Administrative Policy for Town Board Meetings," T. Gilchrist, Aug. 19, 2005 (Document includes a sample policy intended for three-supervisor rural towns that do not hold regular office hours.).

⁹ See "[Records Retention and Filing System for Townships.](#)"