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## 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.”<sup>1</sup> 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.”<sup>2</sup> To support compliance with these requirements, a sample records retention and filing system for towns that can be customized to fit a town’s needs is offered by the Minnesota Association of Townships (MAT).<sup>3</sup>

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.”<sup>4</sup> Similarly, towns must maintain a “journal” of votes taken at an open meeting.<sup>5</sup> The journal must be “open to the public during all normal business hours where records of the public body are kept.”<sup>6</sup>

In addition, “urban townships” located in the seven-county metropolitan area must comply with the Minnesota Government Data Practices Act (“MGDPA”).<sup>7</sup> 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.”<sup>8</sup>

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<sup>1</sup> Minn. Stat. § 15.17, subd. 1.

<sup>2</sup> Minn. Stat. § 15.17, subd. 2.

<sup>3</sup> See "[Records Retention and Filing System for Townships](#)".

<sup>4</sup> Minn. Stat. § 367.11.

<sup>5</sup> Minn. Stat. § 13D.01, subd. 4.

<sup>6</sup> Minn. Stat. § 13D.01, subd. 5.

<sup>7</sup> See Minn. Stat. §§ 13.03, subs. 1; 13.02, subd. 7a and 11; and 473.121, subd. 2.

<sup>8</sup> Minn. Stat. § 13.03, subd. 1.

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

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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 access to their records, such as allowing town documents to be viewed at town board meetings or at times mutually convenient to the parties.<sup>9</sup>

As governmental entities that receive and manage public money, townships are subject to section 138.17 of Minnesota Statutes. 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,<sup>10</sup> or 2) with specific permission to destroy the data from the State Records Disposition Panel.

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 MAT’s or the town’s attorney to make sure that the maintenance of town records is in compliance with Minnesota law.

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<sup>9</sup> 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).

<sup>10</sup> See [“Records Retention and Filing System for Townships”](#).