

Records vs. Non-Records: Tips for Spotting the Difference

Minnesota's Official Records Act ([section 15.17](#)) and Records Management Statute ([section 138.17](#)) require government entities to create and preserve certain records documenting official activities. Meanwhile, the Data Practices Act ([Chapter 13](#)) classifies government data, which includes official records, and creates special rights and obligations for access to and the maintenance of such data.

Whether an entity can destroy certain government data depends on whether those data are maintained as an official record. If data are maintained as an official record of the entity, then the entity must maintain those records for the length of time described on its records retention schedule. If data are not maintained as an official record, then the data may be destroyed at any time so long as the data are not responsive to a pending data request.

Please note: If you have specific questions about official records, contact your supervisor or manager. The [Minnesota State Archives](#) also provides general guidance on requirements related to records management.

Tips for identifying official records

Official records document a government entity's "official activities," and these records may exist in different media formats. The chief administrative officer of an entity is obligated to preserve these records and pass them on to a successor to explain why past actions or decisions were made.

When reviewing a document, look for these characteristics to determine if it should be maintained as an official record:

- The document is identified as an official record on your entity's records retention schedule.
 - All official records should appear on the records retention schedule. If an official record does not, the record must be retained indefinitely until the schedule is updated.
- The document describes official functions or the business activities and transactions of your entity.
 - Consider the statutory duties of your entity and whether the document is directly related to those duties. If the document directly relates to those official duties, then the information is likely an official record that must be retained.
- The document has administrative, evidentiary, fiscal, historical, or programmatic value that will help explain your decision-making.
 - These types of documents may include formal communications among staff or with the public, fiscal information about expenditures, authorizations for specific programs or actions, documentation of changes in policies or procedures, or instructions and guidance that others will need to rely on in the future.

Tips for identifying non-records

Non-records are all other government data that an entity collects, creates, receives, or maintains that are not official records.

When reviewing a document, look for these characteristics to determine if it is a non-record:

- The data are used as general reference materials.
 - Information that are used to describe basic processes, highlight resources, or provide a general understanding of procedures do not need to be retained.
- The data are duplicates or serve as a convenience copy of an official record.
 - An entity is not obligated to retain copies of official records so long as the original is retained.
- The data are transitory in nature, do not have long-term value, and provide little insight into an entity's decision-making processes.
 - Such transitory data may include scheduling emails among colleagues, personal notes or reminders employees created during large team meetings or to understand internal processes and procedures, memos about informal processes, etc.
- The data are drafts or working papers that were later incorporated into a final report or document.
 - Such drafts or working papers that represent the initial thoughts, ideas, or outlines that guide employees' work when developing a final official record.
 - But note: Some notes, drafts, or working papers could be official records if your government entity is obligated to document its steps or provide justifications for decisions and actions when developing a case or program.
- The documents are personal in nature.
 - Materials are about your personal affairs and unrelated to your official duties as a government employee are not official records.