

III. Postaward Requirements

3.16 RETENTION AND ACCESS REQUIREMENTS FOR RECORDS

- You are obligated to protect the records adequately against fire or other damage.
- You may store the records away from the recipient's principal office; however, a list of the documents must be available if needed.
- Whenever practicable, information should be collected, transmitted and stored in open and machine readable formats rather than in closed formats or on paper.

Access to Records

The DOJ grant-making component, the DOJ Office of the Inspector General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have access to any documents, papers, or other records of recipients which are pertinent to the award, in order to make audits, examinations, excerpts, and transcripts.

- The right of access is not limited to the required retention period; it will last as long as the records are retained.
- However, only under extraordinary and rare circumstances would such access include review of information that would personally identify confidential informants or victims of crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the information that could personally identify victims of a crime is determined to be necessary, appropriate steps to protect this sensitive information must be taken by both the non-Federal entity and the DOJ grant-making component.
- Any such access, other than under a court order or subpoena pursuant to a bona fide confidential investigation, must be approved by the Head of the DOJ grant-making component.

► OVW SPECIFIC TIP

- Unless required by statute, OVW will not place restrictions on recipients that limit public access to records of recipients that are pertinent to an award, except when OVW can demonstrate that such records must be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (FOIA) if the records had belonged to OVW.
 - In addition, under 42 U.S.C. §13925 (b)(2), OVW grantees and subgrantees may not disclose identifying information about victims served with VAWA funds without a written, informed, time-limited release from the victim. Such a release may not be a condition of receiving services. Grantees and subgrantees can also release information if compelled by a statutory or court mandate. In that case, they are required to make reasonable attempts to provide notice to affected victims and take steps to protect the privacy and safety of the persons affected by the release of information. Grantees and subgrantees are required to document their compliance with this provision.
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Retention of Records

You must retain all financial records, supporting documents, statistical records, and all other records pertinent to the award for a period of 3 years from the date of submission of the final expenditure report (Federal Financial Report/SF-425). For more information, see [2 C.F.R. § 200.333](#).

- Retention is required for purposes of Federal examination and audit.
- Records may be retained in an electronic format.

Coverage

The retention requirement includes, if applicable, books of original entry, source documents, supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records.

- Source documents may include copies of all awards, applications, and required recipient financial and narrative reports.
- Personnel and payroll records must include the time and attendance reports for all full-time and/or part-time individuals reimbursed under the award.
- Time and effort reports are also required for consultants.

Exception to the 3-Year Retention Period

The 3-year retention period starts from the date of submission of the final expenditure report. The following are exceptions to the standard record retention period:

- If any litigation, claim, audit, or other action involving the records has started before the expiration of the 3-year period, the records must be retained until all issues involving the records have been resolved and final action taken.
- When you are notified by the DOJ grant-making component, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
- Records for real property and equipment acquired with Federal funds must be retained for 3 years after the final disposition.
- When records are transferred to or maintained by the DOJ grant-making component or pass-through entity, the 3 year retention period requirement is not applicable to the non-Federal entity.
- When required for program income earned after the period of performance, the retention period starts from the end of the non-Federal entity's fiscal year in which the program income is earned.
- Indirect cost proposals submitted for negotiation must be retained for 3 years from the date of submission.
- Indirect cost proposals not required to be submitted for negotiation must be maintained for 3 years from the end of the fiscal year covered by the proposal.

Maintenance of Records

You must maintain and separately identify all records for each Federal fiscal period so that information desired may be readily located.

Department Series Report

16: Public Safety

| Description | Media | Last Updated | In Agency Retention | Rec Center Retention | Disposition | Status |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------|---------------------|----------------------|-------------|---------|
| 228#:Maine Criminal Justice Academy | | | | | | |
| Schedule #: 860 1#:Training Records (MCJA) | | | | | | |
| Contains basic and inservice training records of all officers attending courses along with scores and curriculum. | Paper | 12/18/2000 | Years 10 | No Retention 0 | Destroy | Current |
| Schedule #: 860 2#:Correspondence (MCJA) | | | | | | |
| Contains all correspondence relating to bureau's management of training programs. | Paper | 5/22/1990 | Years 15 | No Retention 0 | Destroy | Current |
| Schedule #: 860 3#:Justice Assistance Grant Records (MCJA) | | | | | | |
| Contains all records of grant applications and administration of grants. The grants are for various training programs offered by the academy. | Paper | 5/22/1990 | Years 10 | Years 50 | Destroy | Current |
| 230#:Maine Drug Enforcement Agency | | | | | | |
| Schedule #: 1307 11:Minutes of the Maine Drug Enforcement Agent Advisory Board | | | | | | |
| Minutes of the Maine Drug Enforcement Agency Advisory Board. | Paper | 3/8/2000 | Years 10 | Years 0 | Archives | Current |
| Schedule #: 1331 1#:Byrne Grant | | | | | | |
| The Byrne Grant is the Federal seed money by which the Maine Drug Enforcement Agency operates along with some Maine matching funds. The purpose of the program is to demonstrate the effectiveness of co ordinated, multi-jurisdictional investigations, involving federal, state and local law enforcement agencies against drug and drug related crime. The MDEA is the State cornerstone strategy to drug enforcement activities. | 1 | 2/2/2000 | Years 7 | Years 0 | Archives | Current |
| Schedule #: 1331 2#:Asset Forfeiture Files | | | | | | |