



The Attorney General of Texas

July 10, 1980

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Honorable H. S. Harris, Jr.
Chairman
Texas Industrial Accident Board
200 East Riverside Drive
Austin, Texas 78704

Opinion No. MW-211

**Re: Responsibilities of the Texas
State Library in storage of records**

Dear Mr. Harris:

You have requested our opinion regarding the duty of the Texas State Library in the storage of records. Article 544ld, V.T.C.S., denominates the Director of the Records Management Division of the Texas State Library & Archives Commission as the "Records Preservation Office." Sections 4, 5. He is required to preserve certain "essential records," among them:

(2) . . . Records to protect the rights and interests of individuals, or to establish and affirm the powers and duties of government in the resumption of operation after a disaster.

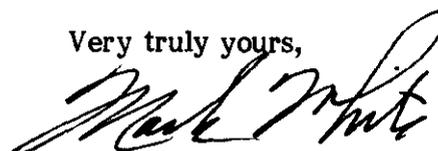
Section 7. The originating agency has the responsibility for determining which of its records shall be deemed "essential," in accordance with the statutory guidelines. Section 9. When such a designation has been made, the Records Preservation Officer must store at least one copy of the record, or its preservation duplicate, "in the safest possible location . . . [and] in a place other than the legally designated or customary record storage location." Section 12. If he chooses to preserve the records in the form of preservation duplicates, he must comply with the requirements of section 10 of article 544ld.

The statute, while clearly directing the Records Preservation Officer to perform certain acts in the preservation and storage of records, does not establish a deadline for carrying out those instructions, so a reasonable time period is contemplated.

S U M M A R Y

Article 5441d, V.T.C.S., requires the Records Preservation Officer described therein to store at least one copy or "preservation duplicate" of any record determined to be "essential" by the originating agency.

Very truly yours,



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