

Schedule 72-6

DEPARTMENT OF BANKING & FINANCE

SECURITY BUREAU

November 13, 2014

Nebraska Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508
(402) 471-2559

**REQUEST FOR APPROVAL
OF RECORDS RETENTION
AND DISPOSITION SCHEDULE**

SCHEDULE	72-6
AGENCY, BOARD OR COMMISSION	DEPARTMENT OF BANKING & FINANCE
DIVISION, BUREAU OR OTHER UNIT	SECURITIES BUREAU
Supersedes Edition of January 6, 2010	

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

PART I – AGENCY STATEMENT:

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE



TITLE

Acting Director

DATE

11-9-14

PART II – APPROVAL OF STATE ARCHIVES:

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE



DATE

11/13/2014

PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE



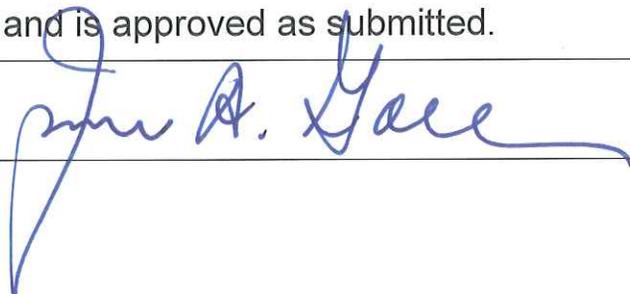
DATE

11/13/14

PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE



DATE

11/13/14

INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. This retention schedule, which is approved by the State Records Administrator, provides your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives** (Neb. Rev. Stat. §82-105). The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Neb. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the 2nd to the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

Please remember to retain the blank form for future use.

NON-SCHEDULED RECORDS

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or the Records Management Specialist in Records Management. They will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

**Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508-2294
402-471-2559**

SCHEDULE 72-6
DEPARTMENT OF BANKING AND FINANCE
SECURITIES BUREAU
November 13, 2014

Retention requirements are for all records, regardless of the media on which they reside, unless otherwise noted.

Supersedes Edition of January 6, 2010

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
72-6-1	AGENTS - AGENT REGISTRATIONS	Registers contain orders granting agent registration which list name of agent, registration order number, name and address of company, amount of filing fee and effective date.	Transfer to State Records Center (SRC) as needed; permanent	<ul style="list-style-type: none"> •Agents who sell securities for a broker-dealer or issuer-dealer must be registered •Broker-dealer agents are registered through the Central Registration Depository/Investment Advisor Registration Depository (CRD/IARD), a computer system of the Financial Industry Regulatory Authority (FINRA) •Neb. Rev. Stat. §8-1120 (8)
72-6-2	AGENTS - BROKER-DEALER AGENT CORRESPONDENCE	Files may contain correspondence regarding examination deficiencies, requests and responses for more information, dual registrations and voluntary withdrawal requests. Includes correspondence/ communications regardless of physical for or characteristics, written and electronic correspondence/communications, voicemail and instant messaging.	6 years after date of correspondence	
72-6-3	AGENTS - FINRA BROKER-DEALER AGENT WEEKLY MANUAL QUEUE CRD REPORT	Files may contain weekly list of broker-dealer agents who are required to be reviewed manually because of deficiencies or disclosures as reported on CRD/IARD (Central Registration Depository/Investment Adviser Registration Depository).	6 years after date of report	
72-6-4	BROKER-DEALERS - FINRA FILES	Files may contain new applications, Forms BD (Broker-Dealer), financials, name-change notices, Articles of Incorporation, Bylaws, Forms BDW (Broker-Dealer Withdrawal) and correspondence.	Transfer to SRC as needed; 6 years after inactive date	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
72-6-5	BROKER-DEALERS - NON-FINRA FILES	Files may contain new and renewal applications, Forms BD, financials, registration orders, name-change notices, Articles of Incorporation, Bylaws, Forms BDW, correspondence and agent information. Agent information may include applications, references, examination scores, registration orders, termination notices, disciplinary documents and correspondence. Pertains to non-FINRA (Financial Industry Regulatory Authority) Agents only.	Purge files as information is superseded and transfer inactive files to SRC annually; 6 years after inactive date	
72-6-6	BROKER-DEALERS - REGISTRATIONS	Registers contain orders granting broker-dealer registration which list name and address of broker-dealer, registration order number, amount of filing fee, effective date, receipt number and date of receipt.	Transfer to SRC as needed; permanent	<ul style="list-style-type: none"> •Broker-dealer are licensed to sell securities for issuers •Majority of broker-dealers are FINRS members and registered through the CRD/IARD computer system •Non-FINRA broker-dealers are registered manually at the state level •Neb. Rev. Stat. §8-1120 (8)
72-6-7	EXAMINATIONS	Files may contain Broker-Dealer and/or Investment Advisor routine examinations.	Transfer to SRC after examination is complete; 20 years after closing date of file	
72-6-8	FINRA DISBURSEMENT REPORTS	FINRA submits electronic CRD/IARD disbursement reports weekly, which itemize broker-dealer, agent, investment advisor and investment advisor representative registration/ notice filing transactions including the fees submitted for their registration.	6 years after date of report or maximum of 10 years if no audit has been performed	
72-6-9	INVESTIGATIONS - COMPLAINT FILES	Complaint files may contain complaint forms, correspondence, investor files and any other documents pertaining to the complaint.	Transfer to SRC 3 years after closing date of complaint; 20 years after date of closing	Investigations are conducted on agents or representatives, broker-dealers, issuer-dealers, investment advisers, SAMP's (Seller-Assisted Marketing Plan), commodities, issuers, unregistered individuals and entities and/or loan brokers

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
72-6-10	INVESTIGATIONS - FILES	Investigation files may contain orders, statements of fact and law, complaints, correspondence, investor files and any other documents pertaining to the investigation. <i>Investigations are conducted on agents or representatives, broker-dealers, issuer-dealers, investment advisers, SAMP's, commodities, issuers, unregistered individuals and entities and/or loan brokers.</i>	Transfer to SRC 3 years after closing date of investigation; 20 years after date of closing	SAMP (Seller-Assisted Marketing Plan)
72-6-11	INVESTIGATIONS - ORDERS FILES	Files may contain original non-registration orders such as cease and desist orders, cancellations, name changes and issuer application withdrawals.	Transfer to SRC 3 years after date of order; permanent	Neb. Rev. Stat. §8-1120 (8)
72-6-12	INVESTMENT ADVISERS - FILES	Files may contain new and renewal applications, Forms ADV, Articles of Incorporation, Corporate Resolution, financials, correspondence and representative information. Representative information may include application, references, examination scores, registration orders, termination notices, disciplinary documents and correspondence.	Purge files as information is superseded and transfer inactive files to SRC annually; 6 years after inactive date	
72-6-13	INVESTMENT ADVISERS - REGISTRATIONS	Registers contain orders granting investment adviser registrations which list name and address of investment adviser, registration order number, amount of filing fee, effective date, receipt number and date of receipt.	Transfer to SRC as needed; permanent	<ul style="list-style-type: none"> •Companies or individuals that issue securities for sale in Nebraska must be registered unless exempted •Neb. Rev. Stat. §8-1120 (8)
72-6-14	ISSUER-DEALERS - FILES	Files include new and renewal applications, registration order register, financial statements, references, examination results, correspondence and agent files. No cancellation orders are issued.	Purge files as information is superseded and transfer inactive files to SRC as needed; 6 years after last effective date	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
72-6-15	ISSUER-DEALERS - REGISTRATIONS	Registers contain orders granting issuer-dealer registrations which list name and address of issuer-dealer, registration order number, amount of filing fee, effective date, receipt number, and date of receipt.	Transfer to SRC as needed; permanent	•Any issuer located in the State of Nebraska, or any issuer which registered its securities by qualification who proposes to sell securities in Nebraska without the benefit of another broker-dealer must register as an issuer-dealer Neb. Rev. Stat. §8-1120 (8)
72-6-16	ISSUERS - DAILY FILINGS	File contains documentation submitted by issuers or their representatives for renewal of the securities offerings notice filed or registered in Nebraska, or to increase amount filed, cure oversale positions, etc. Includes deposit documents for fees received for each daily transaction.	Transfer to SRC 1 year after filing date; 6 years after filing date	
72-6-17	ISSUERS - DENIED FILES	Contents same as issuer file. Includes analyst's correspondence.	Transfer to SRC annually; permanent	Neb. Rev. Stat. §8-1120 (8)
72-6-18	ISSUERS - EXEMPTION FILES	File may contain correspondence, notice for exemption, Form D and private placement memorandum.	Purge files as information is superseded and transfer to SRC annually; 6 years after date of file	
72-6-19	ISSUERS - INITIAL FILES	File may contain application, Forms NF or U-1, annual report, corporate resolutions, correspondence, prospectus, stock certificates, exhibits and agreements.	Transfer to SRC 1 year after effective date; 6 years	Files are active for one year
72-6-20	ISSUERS - NAME CHANGES	File contains documentation submitted by issuers or their representatives to change the name of securities offerings notice filed or registered in Nebraska.	Transfer to SRC 1 year after filing date; 6 years	
72-6-21	ISSUERS - REGISTRATIONS	Orders granting issuer registrations list name of issuer, registration number, effective date, maximum sales, and filing fee.	Transfer to SRC annually; permanent	•Companies or individuals that issue securities for sale in Nebraska must be registered unless exempted •Neb. Rev. Stat. §8-1120 (8)
72-6-22	ISSUERS - SALES REPORTS	Files contain sales reports submitted by issuers or their representatives to report sales of indefinite mutual funds and unit investment trusts notice filed or registered in Nebraska.	Transfer to SRC 1 year after filing date; 6 years	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
72-6-23	ISSUERS - TERMINATIONS	Files contain documentation submitted by issuers or their representatives to terminate securities offerings notice filed or registered in Nebraska. May include final sales information.	Transfer to SRC 1 year after filing date; 6 years	
72-6-24	ISSUERS - WITHDRAWN FILES	Files may contain applications, receipts, analyst comments and letter requesting withdrawal, orders withdrawing issuers' applications and refund orders.	Transfer to SRC annually; permanent	Neb. Rev. Stat. §8-1120 (8)
72-6-25	MONTHLY REPORTS	A monthly report is compiled by reports run from CRD, IARD, Blue Express and the agency's database.	Transfer to SRC as needed; permanent	Neb. Rev. Stat. §8-1120 (8)
72-6-26	NASAA AND FINRA FILES AND SURVEYS	Files include correspondence with these agencies, Q & R reports, FINRA press releases, FINRA membership reports, FINRA Mass Termination reports and NASAA (North American Securities Administrators Association) committee reports.	5 years	
72-6-27	SAMP - BUSINESS OPPORTUNITY FILES	File may contain correspondence, Nebraska disclosure documents and copies of newspaper advertisements.	Purge files as information is superseded and transfer inactive files to SRC annually; 6 years after inactive date	<ul style="list-style-type: none"> •Seller-Assisted Marketing Plan (SAMP) Act requires disclosure, but entities are not licensed •Files may be categorized as a Business Opportunity or as a Franchise
72-6-28	SAMP - FRANCHISE FILES	File may contain correspondence, FTC (Federal Trade Commission) disclosure documents, receipts for fees and copies of newspaper advertisements.	Purge files as information is superseded and transfer to SRC annually; 6 years after filing date	
72-6-29	SAMP - NEWSPAPER ADVERTISEMENTS REGISTER	Register contains advertisements from Nebraska newspapers.	3 years after date of last advertisement	
72-6-30	SECURITIES BUREAU DATABASE	Data is kept electronically on computer. Various listings and reports are generated.	ELECTRONIC RECORD: Permanent PAPER PRINTOUTS: Superseded	

RECORDS DISPOSITION REPORT

TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8 TH STREET SUITE 210 LINCOLN, NE 68508-2294	AGENCY
	DIVISION
	SUB-DIVISION

REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

DATE	SIGNATURE
------	-----------

SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.

RMA 03006D

VOLUME ESTIMATING GUIDE

(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)

Container	Cubic Feet	Weight (lbs)	Sheets of Paper (8.5" x 11")	Electronic Data Equivalent
			1	20 Kb
			52	1 Mb (1024 Kb)
			53,687	1 Gb (1024 Mb)
N/A	N/A	2,204 lbs (1 metric ton)	220,000	4.1 Gb
Records center carton	1 Cu. Foot	16.66 lbs	1,667	32 Mb
Vertical File Cabinet, 4 drawer letter- size	6 Cu. Feet	100 lbs	10,000	190 Mb
Vertical File Cabinet, 4 drawer legal- size	8 Cu. Feet	133.3 lbs	13,333	254 Mb
About a pickup load	50 Cu. Feet	7,500 lbs	748,638	14 Gb