**Section 4400.40 Procedures for the Physical Destruction or Other Disposition of Records Proposed for Disposal**

a) Subject to statutory provisions, agencies may dispose of records authorized for destruction by the Commission.

b) All records for which disclosure is prohibited by law that contain social security, driver's license, or State identification number or that identify a person by name and birth date must be destroyed by a lawful, secure manner that does not allow for the reconstruction or reuse of the original record information.

1) Approved methods of destruction for paper based records for which disclosure is prohibited by law or that identify a person include: burning; shredding, in which either a crosscut shredder cutting to a maximum width of ⅜ inches or an industrial sized strip cut shredder is used, if it is incorporated with a baler or the shredded paper is further destroyed; pulping using standard wet process pulpers; or pulverizing using a dry destruction process that may include the use of hammer mills, choppers, huggers or disintegrating equipment.

2) Approved methods of destruction for non-paper based records for which disclosure is prohibited by law or that identify a person include: burning in a pyrolytic furnace or other incinerator or incendiary device; destroying in a dry pulverizing system; shredding; grinding, which is defined as abrading through the surface of an optical disc (compact disc); milling; knurling; disintegration; or degaussing. Computer software or hardware must be overwritten, erased or wiped/sanitized in a manner that prevents retrieval.

3) The handling and transportation of the records designated for destruction must be done in a reasonably secure manner that is designed to prevent public access to the records.

c) Thirty days prior to disposal or destruction of any records, regardless of physical format or characteristics, the agency shall submit a Records Disposal Certificate to the Chairman of the State Records Commission and proceed with disposal only after a copy of that certificate has been reviewed and approved by the Chairman and returned to the agency. The original copy of this disposal certificate will be kept in the files of the State Records Commission and the duplicate copy approved and returned by the Chairman shall be retained by the disposing agency for its files.

d) In the case of records with scheduled retention of less than one year, a single Records Disposal Certificate may be used for more than one disposal event within a given year. Records Disposal Certificates submitted with this intent must include a schedule of proposed records disposal in addition to the normally required information. Agencies may not proceed with disposal of records until receiving approval from the Commission, as delineated in subsection (c).

e) If an agency's records have been damaged by water, fire, smoke, insects or vermin, mold or some other natural disaster that poses a health or safety risk to employees, an agency may apply to the Chairman of the State Records Commission for permission to dispose of those records ahead of the scheduled disposal date. The request must include a Records Disposal Certificate, accompanied by the agency's explanation why the records need to be disposed of early. The Chairman of the Commission may grant the request only after physically reviewing the damaged records.

(Source: Amended at 39 Ill. Reg. 3031, effective February 11, 2015)