

# **Schedule 72-6**

## **BANKING AND FINANCE**

### **SECURITIES BUREAU**

**June 23, 2023**

Nebraska Records Management Division  
3242 Salt Creek Circle  
Lincoln, NE 68504  
(402) 471-2559

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

SCHEDULE
<b>72-6</b>
AGENCY, BOARD OR COMMISSION <b>BANKING AND FINANCE</b>
DIVISION, BUREAU OR OTHER UNIT <b>SECURITY BUREAU</b>
Supersedes Edition of October 31, 2014

**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 <i>Kelly Lammers</i>	
TITLE <b>Director</b>	DATE <b>Jun 21, 2023</b>

**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 <i>Anna Holley</i> <small>Anna Holley (Jun 23, 2023 08:08 CDT)</small>	DATE <b>Jun 23, 2023</b>
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**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 <i>Pat Reding</i> <small>Pat Reding (Jun 23, 2023 09:36 CDT)</small>	DATE <b>Jun 23, 2023</b>
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**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 <i>Robert B. Evnen</i> <small>Robert B. Evnen (Jun 23, 2023 10:05 CDT)</small>	DATE <b>June 23, 2023</b>
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**RMA 01005D**

## **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. Unless there is pending or on going, legal action, records request, or audit.
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 located on the Secretary of State Records Management website. [https://appengine.egov.com/apps/ne/sos\\_records\\_disposition\\_report](https://appengine.egov.com/apps/ne/sos_records_disposition_report). This report establishes that the destruction was performed in your normal course of business.

### **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.

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3242 Salt Creek Circle  
Lincoln, NE 68504  
402-471-2559**

**SCHEDULE 72-6  
BANKING AND FINANCING  
SECURITIES BUREAU  
June 23, 2023**

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

**SUPERSEDES EDITION OF November 13, 2014**

<b>ITEM NUMBER</b>	<b>RECORD TITLE</b>	<b>DESCRIPTION/EXAMPLES</b>	<b>RETENTION</b>	<b>REFERENCE/COMMENTS</b>
72-6-1	<b>AGENTS - AGENT REGISTRATION REGISTERS</b>	Registers reflecting agent registration which list name of agent, registration number, name and address of broker-dealer or issuer-dealer company, and effective date.	<b>Transfer to State Records Center (SRC) as needed; permanent</b>	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	<b>AGENTS - BROKER-DEALER AGENT CORRESPONDENCE</b>	Files may contain correspondence regarding qualifying examination deficiencies, requests and responses for more information, dual registrations and voluntary withdrawal requests. Includes correspondence/ communications regardless of physical form or characteristics, written and electronic correspondence/communications, voicemail and instant messaging.	<b>6 years after date of correspondence</b>	
72-6-31	<b>AGENT - NON-FINRA BROKER-DEALER AGENT</b>	Files may contain applications, references, examination scores, registration orders, termination notices, disciplinary documents and correspondence.	<b>Purge files as information is superseded and transfer inactive files to SRC annually; 6 years after inactive date</b>	
72-6-32	<b>AGENT - NON-FINRA BROKER-DEALER AGENT ORDERS</b>	Orders granting registration to non-FINRA broker-dealer agents.	<b>Transfer to SRC as needed; permanent</b>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
72-6-4	<b>BROKER-DEALERS - FINRA FILES</b>	Files may contain new applications, Forms BD (Broker-Dealer), financials, name-change notices, Articles of Incorporation, Bylaws, Forms BDW (Broker-Dealer Withdrawal) and correspondence.	<b>Transfer to SRC as needed; 6 years after inactive date</b>	
72-6-5	<b>BROKER-DEALERS - NON-FINRA FILES</b>	Files may contain new and renewal applications, Forms BD, financials, registration orders, name-change notices, Articles of Incorporation, Bylaws, Forms BDW, and correspondence.	<b>Purge files as information is superseded and transfer inactive files to SRC annually; 6 years after inactive date</b>	
72-6-33	<b>BROKER-DEALERS - NON-FINRA ORDERS</b>	Orders granting registration to non-FINRA broker-dealers.	<b>Transfer to SRC as needed; permanent</b>	
72-6-6	<b>BROKER-DEALERS - REGISTRATION REGISTERS</b>	Registers reflecting broker-dealer registration which list name and address of broker-dealer, registration number, and effective date.	<b>Transfer to SRC as needed; permanent</b>	Broker-dealers are licensed to sell securities for issuers. Majority of broker-dealers are FINRA 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)
72-6-34	<b>CITIZENSHIP VERIFICATION</b>	File may contain agent and investment adviser representative citizenship verification documents including attestation rosters, citizenship attestation forms, and other documents demonstrating qualified legal alien status.	<b>Purge files as information is superseded; 6 years after last effective date</b>	
72-6-7	<b>EXAMINATIONS</b>	Files may contain Broker-Dealer and/or Investment Advisor routine or other examinations. Files include correspondence and exam-related emails, preliminary findings, deficiency letters, responses, and close out letters.	<b>Transfer to SRC after examination is complete; 10 years after closing date of file</b>	
72-6-35	<b>EXAMINATIONS - EXAMINER WORK PAPERS</b>	Files may contain original documentation and data compiled by examiners during the examination process. Such documentation includes paper and electronic statements, financial statements, client files, modules, and analysis.	<b>5 years after date of exam closing, if no Department related investigation is unresolved.</b>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
72-6-8	<b>DISBURSEMENT REPORTS</b>	Includes CRD/IARD disbursement reports, which itemize broker-dealer, agent, investment advisor and investment advisor representative registration/ notice filing transactions including the fees submitted for their registration. Includes BlueExpress and EFD disbursement reports, which itemize securities registrations and filings and submitted fees. And any other disbursement reports showing fees.	<b>6 years after date of report or maximum of 10 years if no audit has been performed</b>	
72-6-9	<b>INVESTIGATIONS AND COMPLAINT FILES</b>	Complaint files may contain complaint forms, correspondence, investor files and any other documents pertaining to the complaint. Investigation files may contain orders, statements of fact and law, complaints, correspondence, investor files and any other documents pertaining to the investigation. 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.	<b>Transfer to SRC 3 years after closing date of complaint; 20 years after date of closing</b>	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
72-6-11	<b>ORDERS FILES</b>	Files may contain original non-registration orders such as cease and desist orders, cancellations, name changes and issuer application withdrawals.	<b>Transfer to SRC 3 years after date of order; permanent</b>	Neb. Rev. Stat. §8-1120 (8)
72-6-12	<b>INVESTMENT ADVISERS - FILES</b>	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.	<b>Purge files as information is superseded and transfer inactive files to SRC annually; 6 years after inactive date</b>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
72-6-13	<b>INVESTMENT ADVISERS - REGISTRATION REGISTERS</b>	Registers reflecting investment adviser registrations which list name and address of investment adviser, registration number, and effective date.	<b>Transfer to SRC as needed; permanent</b>	Investment advisers who advise on the purchase or sale of securities must be registered. Investment advisers 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))
72-6-36	<b>INVESTMENT ADVISER REPRESENTATIVES - REGISTRATION REGISTERS</b>	Registers reflecting investment adviser representative registrations which list name and address of investment adviser, registration number, and effective date.	<b>Transfer to SRC as needed; permanent</b>	Investment adviser representatives who advise on the purchase or sale of securities must be registered. Investment adviser representatives 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)
72-6-37	<b>INVESTMENT ADVISER REPRESENTATIVES - CORRESPONDENCE</b>	Files may contain correspondence regarding qualifying examination deficiencies, requests and responses for more information, dual registrations and voluntary withdrawal requests. Includes correspondence/ communications regardless of physical form or characteristics, written and electronic correspondence/communications, voicemail and instant messaging.	<b>6 years after date of correspondence</b>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
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	
72-6-15	ISSUER-DEALERS - REGISTRATION REGISTERS	Registers reflecting issuer-dealer registrations which list name and address of issuer-dealer, registration number, and effective date.	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)
72-6-38	ISSUER-DEALERS - ORDERS	Orders granting registration to issuer dealers and issuer dealer agents.	Transfer to SRC as needed; permanent	
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; 20 years.	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	



ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
72-6-21	<b>ISSUERS - REGISTRATION REGISTERS</b>	Register reflecting registrations list name of issuer, registration number, effective date, maximum sales, and filing fee.	<b>Transfer to SRC annually; permanent</b>	Companies or individuals that issue securities for sale in Nebraska must be registered unless exempted Neb. Rev. Stat. §8-1120 (8)
72-6-22	<b>ISSUERS - SALES REPORTS</b>	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.	<b>Transfer to SRC 1 year after filing date; 6 years</b>	
72-6-23	<b>ISSUERS - TERMINATIONS</b>	Files contain documentation submitted by issuers or their representatives to terminate securities offerings notice filed or registered in Nebraska. May include final sales information.	<b>Transfer to SRC 1 year after filing date; 6 years</b>	
72-6-24	<b>ISSUERS - WITHDRAWN FILES</b>	Files may contain applications, receipts, analyst comments and letter requesting withdrawal, orders withdrawing issuers' applications and refund orders.	<b>Transfer to SRC annually; 6 years</b>	Neb. Rev. Stat. §8-1120 (8)
72-6-25	<b>MONTHLY REPORTS</b>	A monthly report is compiled by reports run from CRD, IARD, Blue Express and the agency's database.	<b>Transfer to SRC as needed; 6 years</b>	Neb. Rev. Stat. §8-1120 (8)
72-6-26	<b>NASAA SURVEYS</b>	Files include NASAA (North American Securities Administrators Association) _survey responses.	<b>5 years</b>	
72-6-27	<b>SAMP - BUSINESS OPPORTUNITY FILES</b>	File may contain correspondence, Nebraska disclosure documents and copies of newspaper advertisements.	<b>Purge files as information is superseded and transfer inactive files to SRC annually; 6 years after inactive date</b>	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	<b>SAMP - FRANCHISE FILES</b>	File may contain correspondence, FTC (Federal Trade Commission) disclosure documents, receipts for fees and copies of newspaper advertisements.	<b>Purge files as information is superseded and transfer to SRC annually; 6 years after filing date</b>	
72-6-29	<b>SAMP - NEWSPAPER ADVERTISEMENTS REGISTER</b>	Register contains advertisements from Nebraska newspapers.	<b>3 years after date of last advertisement</b>	
72-6-30	<b>SECURITIES BUREAU DATABASE</b>	Data is kept electronically on computer. Various listings and reports are generated.	<b>PAPER PRINTOUTS: Superseded</b>	