



## Policy on Retention of Materials Submitted for NMLS Course Provider and Course Approval 03/13/2013

### Purpose

The purpose of this policy is to provide information and set the terms for how long NMLS will retain materials that have been submitted for NMLS course provider and course approval.

### Background and Reason for the Policy

The Secure and Fair Enforcement for Mortgage Licensing Act (SAFE Act), requires that all pre-licensing (PE) and continuing education (CE) courses be reviewed and approved by the Nationwide Multistate Licensing System (NMLS). Since 2010, NMLS has retained all electronic files that have been submitted for an organization to become an approved course provider, and all documents and other files that have been submitted as part of the course approval process. The data storage requirements associated with maintaining such a large volume of aging files, which have rarely been accessed, requires NMLS to put into effect a document retention policy.

### Definitions

The following definitions are applicable:

**NMLS Approved and Active Course Provider:** An organization which has submitted an application and has subsequently been approved by NMLS to deliver PE and/or CE courses which are intended to satisfy the requirements of the SAFE Act. An NMLS Approved and Active Course Provider is one that has at least one course in an approved status and the course is available for scheduling and delivery.

**NMLS Approved but Suspended Provider:** An organization which has submitted an application and has subsequently been approved by NMLS to deliver PE and/or CE courses which are intended to satisfy the requirements of the SAFE Act. An NMLS Approved but Suspended Provider currently does not have a course approved and has had its account suspended in the Education Management System (EMS). Unless the provider initiates the process to submit a course for approval, the Approved Provider will lose its approval status at the end of its two year approval period.

**NMLS Previously Approved Course Provider:** An organization that was previously but is no longer approved by NMLS to submit courses for approval and/or to deliver NMLS approved education.

**NMLS Approved and Active Course:** A course that has been submitted by a course provider and has been approved and is currently available for scheduling and delivery.

**NMLS Approved Expired or Inactive Course:** A course that had been submitted by a course provider and had been approved but was either not renewed or was made inactive by the course provider and is no longer available for scheduling and delivery.

## **Document Retention Policy:**

All documents associated with either the provider or course approval processes are required to be submitted in electronic format through an online portal maintained by NMLS. Since 2010, NMLS has retained every electronic document that has been uploaded by a course provider as part of an approval request. The policy pertaining to document storage and retention is as follows:

**Application and Business Documents for Approved, Suspended, and Inactive Course Providers:** NMLS will maintain all files submitted as part of the course provider application and approval process for the entire period the organization remains in an approved active or suspended status. After a course provider is no longer approved, NMLS will maintain all files submitted as part of the course provider's approval/renewal processes for a period of four (4) years from the date of the course provider's approval expiration. At the end of the four (4) year period, NMLS will delete ALL application files, business documents, correspondence, and other materials that were submitted as part of the initial application or renewal process.

Additionally, once a course provider is no longer approved, NMLS will retain for a period of twenty-four (24) months all documents that were submitted as part of any course approval process. At the end of 24 months from the date the course provider is no longer approved, NMLS will delete ALL application files, correspondence, and any other materials associated with ALL course approvals for that provider.

**Application and Materials for Approved, Expired, and Inactive Courses:** NMLS will maintain the initial course application and a twenty-four (24) month history of all files that were submitted by the course provider for all approved and active courses. At its discretion, NMLS will delete all files associated with a course that are older than 24 months from the initial course expiration date.

NMLS will maintain the initial course application and a twenty-four (24) month history of all files that were submitted by a course provider for all expired or inactive courses. After 24 months from the course expiration or inactivation date, NMLS will delete all files associated with the course.

**Document Archival:** Documents not currently being reviewed are retained in "archived folders" in the online portal. Archived folders may be accessed by course providers to retrieve previously submitted documents for their own storage and retention.

**Document Recovery:** Once NMLS deletes documents they cannot be recovered (this includes all documents that may have been in an archived folder). Course providers are advised to adopt their own document retention policies and as necessary, make back-up copies.

**NMLS Right to Retain:** At its discretion, or at the request of the Mortgage Testing and Education Board (MTEB) or other state regulators, NMLS may retain documents for periods of time longer than those as outlined above.

**Effective Date:** NMLS will begin deleting documents effective July 1, 2014.