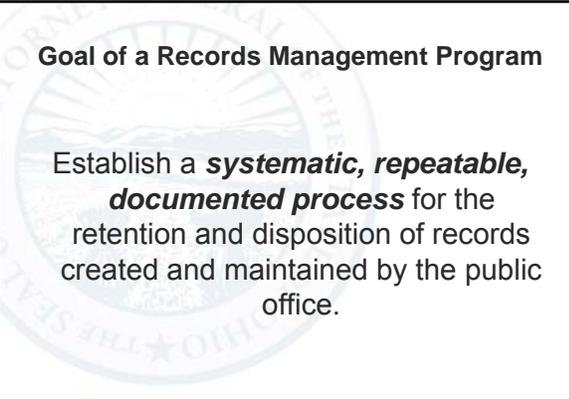


Records Management Practice and Procedures

Pari J. Swift
Senior Records Manager
Ohio Attorney General's Office

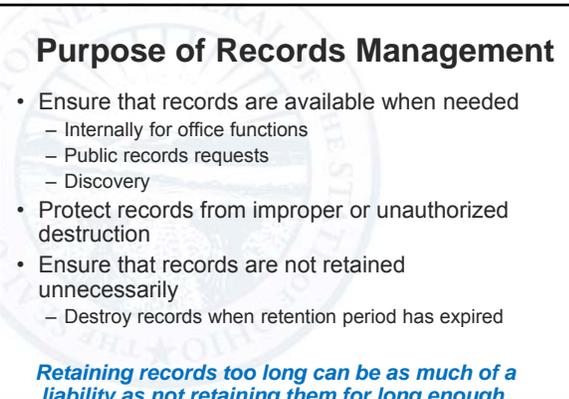
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OHIO GOVERNOR



Goal of a Records Management Program

Establish a **systematic, repeatable, documented process** for the retention and disposition of records created and maintained by the public office.

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OHIO GOVERNOR



Purpose of Records Management

- Ensure that records are available when needed
 - Internally for office functions
 - Public records requests
 - Discovery
- Protect records from improper or unauthorized destruction
- Ensure that records are not retained unnecessarily
 - Destroy records when retention period has expired

Retaining records too long can be as much of a liability as not retaining them for long enough.

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Benefits of Records Management

- Transparency in government
 - Avoid negative publicity/perception
- Decrease Risk of Litigation
 - Not responding to requests in a reasonable amount of time
 - Improper destruction of records
 - Protect rights and interests of County, employees, and citizens
 - E-Discovery



Benefits of Records Management

- Increased Efficiency
 - Locating and retrieving records for internal use, discovery, or public records requests
 - Sound decision making because staff can find records they need
 - More time spent providing doing functions of job or providing services to constituents
 - Identifying records for disposal
- Save Resources
 - Reuse of filing cabinets and storage space
 - Off-site storage, retrieval, re-file fees
 - Reduce scope and cost associated with e-discovery

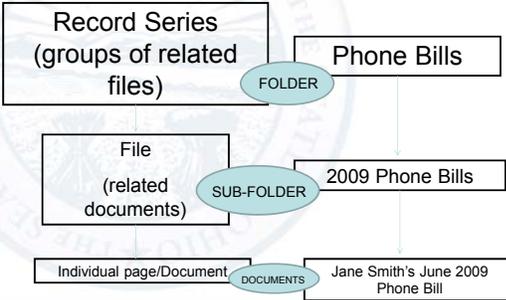


What is a “record?” (ORC 149.011)

- Stored on a fixed medium
 - Paper, computer, microfilm, audio/video, etc.
- Created, received or sent under jurisdiction of public office
- Serves to document:
 - Organization -Procedures
 - Functions -Operations
 - Policies -Other activities
 - Decisions



Terminology: Record Series



Removal of Public Records

All records are the property of the public office concerned and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the records commission.

--ORC 149.351



Records Commissions

Municipal 149.39 ORC

- Chief Executive (or appointed representative) as chairman
- Chief Fiscal Officer
- Chief Legal Officer
- Citizen (appointed by the chairman)
- Meet at least once every 6 months
- Can hire an archivist or records manager
- Shall appoint a secretary who may or may not be a member of the commission

Township 149.42 ORC

- Chair of Township Trustees
- Township Fiscal Officer
- Meet at least once every 12 months

Special Taxing Districts 149.412 ORC

- Chairperson of governing board
- Fiscal representative
- Legal representative
- Others if appropriate
- Meet at least once every 12 months
- AGO Opinion 2013-006

School Districts 149.41 ORC

- President of the Board of Education
- Treasurer of the Board of Education
- Superintendent of Schools



Records Commission Responsibilities

- ORC 149.381
- Provides rules for retention and disposition of records
- Reviews and approves:
 - Retention Schedules (RC-2)
 - Applications for One-Time Disposals (RC-1)
- Meetings
 - Open to public
 - Notice must be given
 - Detailed minutes kept



Establishing Intellectual Control



Records Inventory

Goal: Get your records organized and identified

- All rooms/buildings your department has
- All storage systems (boxes, filing cabinets, shelves, and others I won't mention...)
- All media (paper, film/fiche, cassette, video tape, disk, cd, dvd, thumb drives, etc.)



Records Inventory

- Do not leave any records out of the inventory
 - This includes convenience/reference copies
 - Gather information at the record series level, not item level
 - This is not an audit
- Gather information by
 - Looking at the records
 - Asking questions to other staff about the records
 - Talk to those who actively create, maintain and use each record series.
 - Talk to staff who have longevity with the section



Records Inventory

- At a minimum collect:
 - Record series title
 - Date span
 - Location (detailed)
 - Media type(s)
- Additional information:
 - Description of series
 - Quantity
 - Current/Obsolete series
 - Vital Record
 - Arrangement
 - Reference frequency
 - State Archives has an inventory template



RECORDS INVENTORY			
(1) _____ <small>(NAME OF POLITICAL SUBDIVISION)</small>			
(2) RECORDS OF _____ <small>(OFFICE/DEPARTMENT)</small>		(3) DATE: _____	
(4) RECORDS SERIES TITLE: _____			
(5) LOCATION OF RECORDS: _____			
(6) DESCRIPTION: _____			
(7) DATES: From _____ To: _____			
(7) Are records still created? (Circle answer) Yes No		(8) Quantity Volume: _____	
(7) Are these Vital Records? Yes No		(9) Arrangement (Circle answers): Alphabetical Numerical Chronological Subject	
(10) Record media (Circle answers) Paper Bound Volumes Mylar Microform: 16mm 35mm Microfiche		(11) Reference to this records series (Circle answers) Daily Weekly Monthly Yearly for _____ Never after: _____	
Electronic Record: Tape Real Cassette Diskette CD-ROM Optical Disk		(12) Schedule No. Assigned: _____	
(12) Recommended retention period for each type of media: _____			
(14) Inventory taken by: _____			



Records Inventory

- Organize during inventory
- Put like record series together in same boxes and area
- Label boxes
 - With numbers that correspond to a content inventory and/or shelf map
 - Include pertinent identifying information directly on box

Council Minutes, 1985-1990 [Series Title / Date Range]
City Council [Creator / Originating Office]
2012-03 [Series Number]
Permanent [Destruction Date]
Public [Access Restrictions]



Determining Retention Periods



Determining Retention Periods

Administrative Value

- Used by office or agency to carry out its duties
- Based on how often or for how long a record is used
- Would the program be in jeopardy upon the disposal of the record
- *Examples: phone records, meeting agendas, annual reports*

Consult Office of Origin



Administrative Value

Sample Questions

- Are the records used in determining organizational policies?
- Does this records series explain operating procedures or departmental functions?
- Does this records series contain information on the creation, consolidation, or termination of agency activities or functions?
- Are there definitions of responsibility provided by this records series?
- Does the records series document working relationships with other state agencies, local governments, or the federal government?
- How long must this records series be maintained for day-to-day operations?
- When judging how long to keep a record for administrative value, be sure to judge from the record's *original* purpose, not *reference* value in the future.



Determining Retention Periods

Fiscal Value

- Pertains to the receipt, transfer, payment, adjustment, or encumbrances of funds
- Required for audit
- *Examples: canceled checks, purchase orders, budget reports, voucher books*

Contact: Auditor, Treasurer



Fiscal Value

Sample Questions

- Does this records series control or document the generation, expenditure, or movement of public funds?
- How long are these records needed to administer the funds?
- What are the audit requirements of the funding authority?
- Are there any regulations covering retention of audited records?
- How long must this records series be kept to meet all fiscal and audit requirements?



Determining Retention Periods

Legal Value

- Documents or protects rights or obligations of citizens or of the agency that created it
- Retain until legal rights and obligations expire
- *Examples: contracts, opinions, case files, deeds, birth/death/marriage certificates*

Contact: Legal Counsel



Legal Value

Sample Questions

- Does this records series prove the state agency's claim to property?
- Is this records series necessary for the state to prosecute or defend against an action?
- Is this records series necessary to protect the rights of citizens?
- Are these records of state licenses or regulations? How long are these licenses or regulations valid?
- Are there federal or state regulations mandating a minimum retention period for this records series?
- How long must this series be kept to meet all legal retention requirements?
 - How long is this series necessary to protect or defend agency or client rights?
- Be sure not to equate "case file" with "research file"
 - Knowing that a case file may become valuable reference material in the future should not affect the retention period for a series' legal value



Determining Retention Periods

Historical value

- Documents an agencies' organization, policies, decisions, procedures, operations, and other activities
- Contains significant information about people, places, or events
 - Secondary value: source of information for persons other than the creator
- *Examples: Photographs, maps, court records, tax records, speeches, deeds, minutes*

Contact: OHS State Archives/LGRP



Historical Value

Sample Questions

- Is the information in the records series unique? Can it be found elsewhere? If so, which set of records better captures the historical data?
- Has the information been published by the state agency or others? Has it been filed with another governmental entity?
- Does this records series document a particularly important citizen or event?
- How important is the information? Will researchers now or in the future need to consult the records?



Expressing Retention Periods

- Time
 - “retain 3 years” “retain permanently”
- Event or Action
 - “retain until audit report is released”
- Time and Event or Action
 - “retain 3 years after case closed”

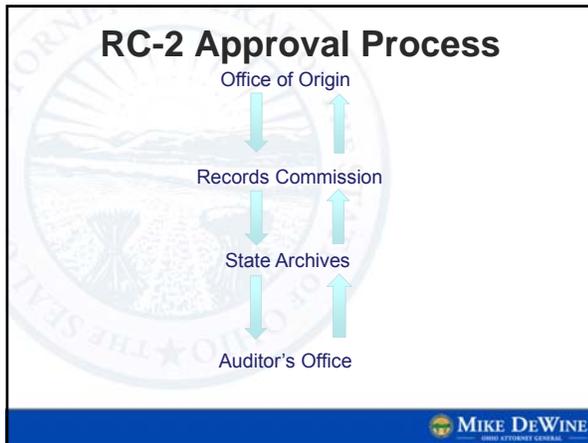


A Note about Storage Media

- Storage Media ≠ Record Series
- Storage Media does not determine the retention period for a record series
- Retention period based on 4 Value analysis of CONTENT

The determined retention period may ultimately play a role in determining the best storage media for a particular record series.





- ### Purpose of Retention Schedules
- Compliance – It's the Law!
 - Provides for ongoing records disposal
 - Prevents build-up of unnecessary record
 - Saving space
 - Improving efficiency
 - Legal Asset
 - Negotiate public records requests
 - List of records kept by office
- Save \$\$\$ and resources!
- MIKE DeWINE**
GOVERNOR

- ### Obsolete Records
- Used for:
 - Record series no longer created or maintained
 - Series not on retention schedule
 - These records should be listed on an Application for One-Time Records Disposal of Obsolete Records (RC-1)
 - Same approval process as the RC-2
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Page ____ of ____



Ohio Historical Society
State Archives of Ohio
Local Government Records Program
500 E. 17th Avenue
Columbus, Ohio 43211-2487

CERTIFICATE OF RECORDS DISPOSAL (RC-3) – Part 2
See instructions on the reverse side of this form. Must be submitted with PART 1.

(Federal jurisdiction) (State)

(1) Records Series Title	(2) Authorization for Disposal		(3) Media Type To be destroyed	(4) Media Type To be retained (if any)	(5) Inclusive Dates of Records		(6) Proposed date of destruction	(7) For OHS/LEGP use
	Schedule Number	Ohio Historical Society approval for the Records Commission			From	To		

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Certificate of Records Disposal (RC-3)

- Submit original to Records Commission, which will submit it to OHS.
 - Keep copy in your department files
 - Can now be submitted via email provided OHS can add electronic dates and comments
- If there are records OHS wants to select for archival storage, they will contact you prior to the proposed date of disposal
- If there are not records OHS wants to select, you will not be contacted or receive a copy of the form back

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HB 153 Changes After 9/29/2011

- RC-2s prior to 9/29/2011 – RCs must be submitted before any disposal
- RC-2s approved AFTER 9/29/2011 – RC-3s only required for series indicated by State Archives on RC-2
 - Be descriptive of the record series on new RC-2s!
 - Records Commission should keep record of ALL record disposals as a legal asset
- **RC-3 required for ALL records over 50 years old**
- RC-3s not required for records on RC-1

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Importance of Documenting Disposition

- Administrative
 - Your agency knows whether the records still exist or not
- Legal
 - Proof that your agency complied with retention schedules
 - Shows the authority by which records were disposed
 - Shows the appropriate amount of time had passed prior to disposition
 - E-Discovery
 - Demonstrates consistent business practice



Record Disposals

- Implementing records disposals is made easier by:
 - Establishing intellectual control through regular inventories
 - Shelf/file mapping
 - Putting like records series together
 - Labeling of boxes



Disposition Options

- Recycle
 - Shred
 - Incinerate
 - Transfer to State Archives
- Keep in mind the contents of the records when selecting an option.
- Confidential Personal Information (CPI) and other laws dictate the security measures for records while active and awaiting disposition.

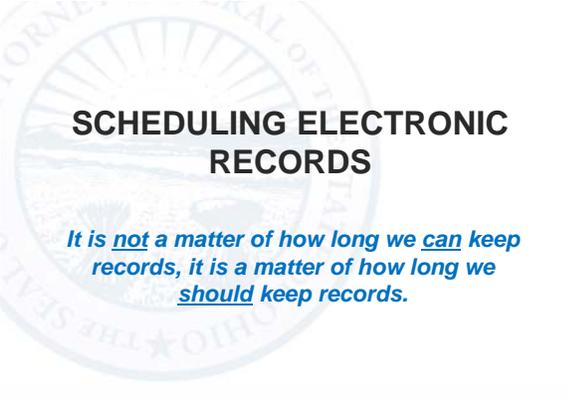




For More Information:

Ohio Historical Society-State Archives
 614-297-2553
localrecs@ohiohistory.org
www.ohiohistory.org/lgr

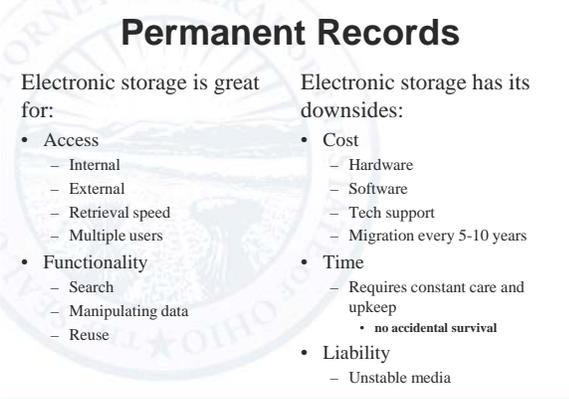
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SCHEDULING ELECTRONIC RECORDS

It is not a matter of how long we can keep records, it is a matter of how long we should keep records.

 **MIKE DeWINE**
GOVERNOR



Permanent Records

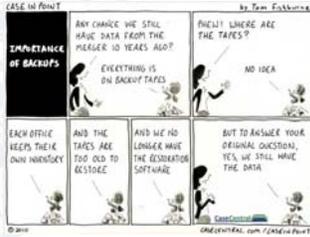
<p>Electronic storage is great for:</p> <ul style="list-style-type: none"> • Access <ul style="list-style-type: none"> - Internal - External - Retrieval speed - Multiple users • Functionality <ul style="list-style-type: none"> - Search - Manipulating data - Reuse 	<p>Electronic storage has its downsides:</p> <ul style="list-style-type: none"> • Cost <ul style="list-style-type: none"> - Hardware - Software - Tech support - Migration every 5-10 years • Time <ul style="list-style-type: none"> - Requires constant care and upkeep <ul style="list-style-type: none"> • no accidental survival • Liability <ul style="list-style-type: none"> - Unstable media
--	---

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Permanent Records

If retention=permanent, your office has an obligation to always (forever) be able to:

- Provide access
- Prove reliability and authenticity
- Just having the data isn't enough!



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Factors to Consider

- Are you keeping electronically for access purposes or preservation purposes?
- How long will it take to convert to digital?
 - How frequently do you reference?
 - Is it worth time and cost of conversion?
- Do you need it in a manipulatable format?
- Can you afford costs associated with maintaining over the long term?
 - Are you keeping it only as long as the 4 value analysis dictates?
- How important is it that the record be reliable and authentic over time?

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Digital Imaging/Scanning

- Frequently used records
- Needed for multiple points of access
- Enhance access to records
- Reduction of storage space is not a reason to image
- Retention period of less than 10 years
- Save to a non-rewritable media
- Quality Control
- Indexing
- Migration Plan
 - Upgrading equipment and software
 - Periodically recopying disks as required
 - Transferring the data from an obsolete media storage format to new formats

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GOV. ELECTED GENERAL

Ohio Electronic Records Committee (OhioERC)

- **NEW** Social Media: The Records Management Challenges
- Guidelines for Managing Electronic Mail
- Revised Digital Imaging Guidelines
- Trustworthy Information Systems Handbook
- Guidelines for Managing Web Content
- Databases as Public Records Guidelines
- Hybrid Microfilm
- Tip Sheets

www.OhioERC.org



Email and Electronic Records Management



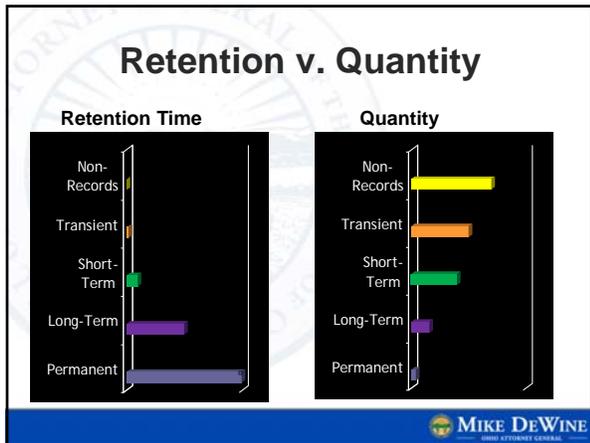
So, who is responsible?

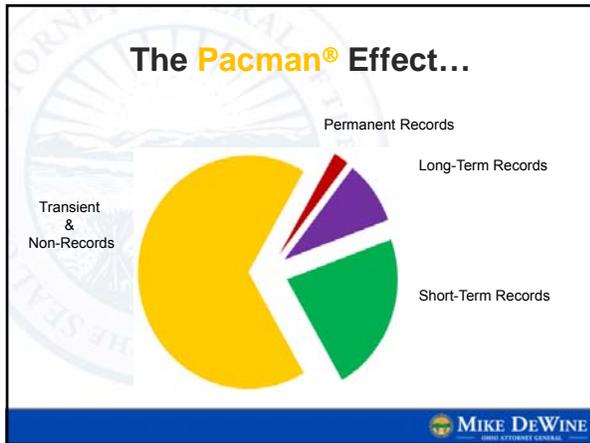
We All Are Responsible!

Taking a few seconds upfront to name, file and categorize our records, especially e-records, will save time in the end.

It is less time consuming in the long-run to file email right away while the content is fresh.

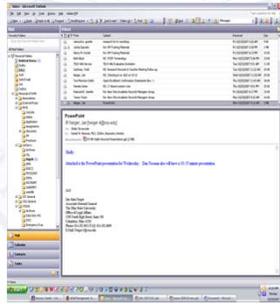






- ### Basic Email Considerations
- Descriptive subject lines
 - *Minutes_FinanceCommittee_20131217*
 - instead of *Minutes*
 - What you say and how you say it could be public record
 - Pick up the phone
 - Doesn't create record
 - Saves filing time and space
- MIKE DEWINE**
GOV. ELECTED 2011

Is Email a Record or Not?



It Depends...

- Email is **not** a record series, but is instead another means of conveying information
- **Content** determines whether an email is a record and what series it falls under



Who Keeps the Message?

- Identifying the “Record Copy” is key to email management.
 - Generally the sender
 - Filing your “sent” messages is important!
 - Intended recipient if received from external sender
 - Multiple recipients (CCs and BCCs) should not retain message



Filing Email & E-records

Folder Structure

standardize

- On a central server space
- Create clear filing structures on server and/or inbox that **everyone** in office or functional area can follow
 - Think about filing for *retrieval* rather than creation
 - Folders are like index fields
- Incorporate records retention schedules into the folder names
 - Title of Folder = Title of Record Series (Per retention schedules)
- Subfolders can aid in organization, retention and disposition
 - Contents organized and accessible (this is law!)
 - **When retention expires on a folder, right clicking deletes all contents**
 - As opposed to:
 - opening every old document again
 - reading it for content
 - using content to determine the appropriate record series
 - determining if it has met its retention based on the schedule
 - deleting if it has, or closing it and vowing to repeat these steps again at a later date to see what can be disposed of this time



Deleting Email

It really is okay to delete...as long as it is done with retention schedules and consistently

- According to approved retention schedules
 - Document on *Certificate of Records Disposal*
 - If email filed with applicable series on server, this is easy
 - In conjunction with related hardcopy records (unless scheduled for different retention periods)
 - For records falling under Transient Records retention schedule, review and delete regularly
 - For non-records
 - Delete immediately
 - Limit creation of non-records



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If you don't delete email...

- Storage space needs increase
- As does the cost of maintaining them
- Harder to find records that you really need to do your job
- Emails continue to be subject to public records requests
- It can be a liability
 - If you can't find an e-mail that you should have
 - Subject to \$1000/record forfeiture
 - If the e-mail can be used negatively against you or your office
 - E-discovery
 - If it becomes corrupt or there are other retrieval/accessibility issues
- Lack of retention enforcement exponentially adds to e-discovery identification and collection expenses
 - There is a line between business value and over preservation – retention schedules define that line upfront

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Is it okay to use a private email account for public business?

- Business emails are still records of your government
- Hinders government response to litigation and public records requests
- Could expose your private email account to legal review
- Security concerns for sensitive data (outside government system firewalls)

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