Introduction to Records Management

CDCAT Fall Conference
September 5, 2018

INTRODUCTION

- Consulting and Training for State and Local Governments
- Retention Schedule Reviews and Development

Call: 512-463-7610  |  Email: slrinfo@tsl.texas.gov
AGENDA

1: Basics

2: Retention

3: Disposition

4. Wrap-up

1. BASICS
Definitions and Legal Framework
BASICS

Local Government Records Act of 1989:

1. Improve **efficiency and economic operation** of government.
2. Preserve records of permanent and historical value.
3. Provide **impartial access** to records management assistance.
4. Establish **standards and procedures** for managing local government records.

LGC § 201.002 Purpose

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BASICS

Local Government Records Act


Published as: Bulletin D

- Definitions
- Local authority
- Role of RMO
- Compliance requirements
Records Life-Cycle

Benefits of good records management:

- Legal requirement and protection
- Workflow efficiency
- Timely disposition
- Cost reduction
- Protection of essential records
BASICS

Consequences of not managing records
- Legal risk
- Longer retrieval times
- Higher costs
- Ongoing obligation to protect records
- Potential criminal penalties
- Negative perception

BASICS

A local government record:
- Documents the transaction of public business
- Is created or received by a local government
- Is a record whether it is open or closed
- May exist in any medium

LGC §201.003
Definition of a record does not include:

- Convenience Copies
- Blank Forms and Stocks of Publications
- Library or Museum Materials
- Alternative Dispute Resolution Working Files

Legal Obligations for E-Records

- Statutes: Local Government Code Chapter 205
- Rules: 13 TAC §§ 7.71-7.79

BASICS

Electronic Record:

- Any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in the Local Government Code §205.001.
- Machine-readable

13 TAC §7.71
BASICS

Metadata:

- Data about data
- Part of the electronic record
  - Information about the e-record
  - Stays with record
  - Created by systems or people

COMPLIANCE

Local Governments must file the following with TSLAC:

- Filing an approved policy
- Designating a Records Management Officer (RMO)
- Making a Retention Decision
**COMPLIANCE**

**Compliance Element #1:**
Records Management Policy (Ordinance/Order/Resolution)
- Establishes the records management program
- Identifies the position of designated RMO
- Must first be approved by:
  - Elected Official
  - Governing body
- File approved policy with TSLAC

**Compliance Element #2:**
Form SLR 504 – Designation of Records Management Officer
- Position must match policy
- Signed by Records Management Officer
- File new form within 30 days of personnel change
COMPLIANCE

Compliance Element #3: Retention Decision
3 Options:
- Permanent
- Adopt TSLAC schedules
- Create custom schedule

COMPLIANCE

Retention Option: Adopt TSLAC Local Retention Schedules
- Form SLR 508 – Declaration of Compliance
- Comprehensive schedules
- Up-to-date with statutes, regulation, or rule of court
COMPLIANCE

TSLAC Local Retention Schedules available to adopt:

**GR – General Records** plus...

- **CC** – County Clerk
- **DC** – District Clerk
- **EL** – Elections/Voter
- **HR** – Health
- **JC** – Junior Colleges
- **LC** – Justice/Municipal Courts
- **PS** – Public Safety
- **PW** – Public Works
- **SD** – Schools
- **TX** – Taxation
- **UT** – Utility Services

COMPLIANCE

Schedule CC:
Retention Schedule for Records of County Clerks
- Part 1: County Clerk as Clerk to Commissioners Court
- Part 2: County Clerk as Recorder
- Part 3: County Clerk as Clerk of County Court
- Part 4: Official Public Records of County Clerks
- Part 5: Records of the County Surveyor
- Part 6: Records of the County Superintendent of Schools

COMPLIANCE

Schedule DC – Retention Schedule for Records of District Clerks
- Part 1: Civil Case Records
- Part 2: Tax Suit Records
- Part 3: Family Law Case Records
- Part 4: Juvenile Records
- Part 5: Criminal Case Records
- Part 6: Multi-Case/Multi-Court Records
- Part 7: Miscellaneous Court Records
- Part 8: Jury Records
- Part 9: Grand Jury Records
- Part 10: Naturalization Records
- Part 11: Administrative and Financial Records
- Part 12: Business and Professional Records
- Part 13: Miscellaneous Records
COMPLIANCE

Forms & Templates!
- SLR 508
- SLR 504
- Policy Models
- Sample disposition log

Access at:
**Records Series**
- A grouping of records that all serve the same function and are all kept the same length of time.

**Retention Period**
- The minimum length of time you must keep a record.

- Application form
- Employment Applications
- Résumé
- Cover letter
- Letters of reference
- Transcripts

2 years
Common retention period codes:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>[just a number]</td>
<td>Add this number to the creation/receipt date of the record</td>
</tr>
<tr>
<td>AV</td>
<td>As long as administratively valuable (there is some sort of business use for it)</td>
</tr>
<tr>
<td>CE</td>
<td>Calendar Year End: December 31st</td>
</tr>
<tr>
<td>FE</td>
<td>Fiscal Year End: August 31st? September 30th?</td>
</tr>
<tr>
<td>LA</td>
<td>Life of the Asset (keep the record about the asset until you don’t have the asset anymore)</td>
</tr>
<tr>
<td>PM</td>
<td>Permanent (never destroy)</td>
</tr>
<tr>
<td>US</td>
<td>Until superseded (keep until replaced by an updated version)</td>
</tr>
</tbody>
</table>

RETENTION SCHEDULE

Lists all records series with mandatory minimum retention periods.

Schedules are media-neutral.
TSLAC Local Retention Schedules available to adopt:

**GR – General Records** plus...

- **CC** – County Clerk
- **DC** – District Clerk
- **EL** – Elections/Voter
- **HR** – Health
- **JC** – Junior Colleges
- **LC** – Justice/Municipal Courts
- **PS** – Public Safety
- **PW** – Public Works
- **SD** – Schools
- **TX** – Taxation
- **UT** – Utility Services


<table>
<thead>
<tr>
<th>Record Number</th>
<th>Record Title</th>
<th>Description</th>
<th>Retention Period</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>GR1050-56</td>
<td>TIME AND ATTENDANCE REPORTS</td>
<td>Time cards or sheets</td>
<td>4 years</td>
<td>By regulation - 40 TAC 815.106(i).</td>
</tr>
</tbody>
</table>
Retention of Electronic Correspondence

- Texts, instant messages, social media, and email
- Is a text message a government record?

Texas Public Information Act

(b) The media on which public information is recorded include:
   (1) paper;
   (2) film;
   (3) a magnetic, optical, solid state, or other device that can store an electronic signal;
   (4) tape;
   (5) Mylar; and
   (6) any physical material on which information may be recorded, including linen, silk, and vellum.

(c) The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

Texas Government Code, § 552.002
Multiple cities caught text messaging during open meetings.

Led to OAG opinion that text messages are subject to the Public Info Act.


In one instant-message exchange, however, Darville wrote that she knew the conversation was subject to open records laws.

On Aug. 18, a DISD senior administrator wrote: “so are these open records”

Darville responded: “yes if people can figure out they exist ;)”
Managing Text Message Records:

- Decide how to capture
  - Screenshot, save image
  - Forward to email
- Use separate devices
- Refrain from creating government records via text or instant message.

Managing Website Records:

- Who is the custodian – RMO or IT?
- Retain content and administrative records
  - Text, photos, HTML
- Decide how to capture and retain
Managing Social Media Records:

- Most records are redundant: copies of information retained offline or elsewhere on the web.
  - Links, photos, announcements, etc.
- Feedback from citizens = government records.
- Decide how to capture and retain
When you ask:

How long do I keep my email?

We will tell you:
1. Email is a format for a record, not a type of record.
2. You must determine the retention by analyzing the content of the email.

3-STEP DRILL

Is this a record?  Is this related to my job?  Am I the custodian?
RETENTION

Step 1: Is the email a record?

Emails that are not records:
- Personal email
- CCs – Copies
- Unsolicited email
- Spam

RETENTION

Step 2: Is it related to your job?

- Is the content of the email directly related to your responsibilities as a government employee?
- If not, forward and delete your copy
RETENTION

Step 3: Are you the custodian?
- Are you the designated person in your organization responsible for maintaining records related to this subject?
- If not, forward and delete your copy

If yes...

RETENTION

Keep and file the email!
- This email is the **official record copy** and you must retain it according to your approved records retention schedule.
Common series for categorizing email:

**Correspondence – GR1000-26**
- Administrative – 4 years (review for historical value)
- General – 2 years
- Routine – AV (as administratively valuable)

**Complaints – GR1000-24**
- Resolution + 2 yrs

**Public Information Act Requests – GR1000-34**
- Non-exempted or withdrawn – Date request for records fulfilled or withdrawn + 1 year.
- Exempted – Date of notification that records requested are exempt from disclosure + 2 years.

**Work Schedules – GR1050-31**
- 1 year

Transitory Information

- Temporary usefulness
- Not essential to documenting business, fulfilling statutory obligations, and not regularly filed within your office’s recordkeeping system
  - Examples:
    - Outlook meeting reminder
    - Telephone message email
    - “Where are you?” text
**RETENTION**

Use meaningful subject lines

<table>
<thead>
<tr>
<th>Poor or confusing</th>
<th>Good or descriptive</th>
</tr>
</thead>
<tbody>
<tr>
<td>“helpful info”</td>
<td>“contact info”</td>
</tr>
<tr>
<td>“report”</td>
<td>“quarterly financial report”</td>
</tr>
<tr>
<td>“minutes”</td>
<td>“January 99 board minutes”</td>
</tr>
<tr>
<td>“important”</td>
<td>“revised admin. procedures”</td>
</tr>
<tr>
<td>“today?”</td>
<td>“lunch plans today?”</td>
</tr>
<tr>
<td>“news”</td>
<td>“new agency head appointed”</td>
</tr>
</tbody>
</table>

**RETENTION**

Retention Conscious Email File Plan Example

*Sample inbox structure:*

**Correspondence 2018 – 2 years**
- General – 2 years
- Transitory - AV

**Program Records - 2018**
- Consulting
- Local – 2018
- State Agencies – 2018
- Schedule Reviews – AC
- Special Projects – AV
- Training – FE+5
- Public Information Requests – 2 years

**Reference**
Managing Email Can Become an Easier Task

Take Small Steps
- Don’t aim to clean out your inbox all in one day.

Devote 5-10 minutes a day
- If possible, designate specific times to check and manage emails.

Make it habitual!
- “Clean as you go”. Be consistent and habitual!

Webinar: Email Management Part 1

3. DISPOSITION
When it’s time to make space
“A comprehensive term that includes destruction as well as other actions, such as the transfer of permanent records.”

– National Archives and Records Administration (NARA)

DISPOSITION

- The life expectancy of a paper record is 1,000 years or more, if stored properly.
DISPOSITION

BULLETIN F:

• Court records prior to 1951 and permanent records
• Records in storage
• Paper records


Promotes:
- Cost savings
- Faster information retrieval
- Use of space
- Legal protection

Prevents:
- Information overload
- Human error
- Negative perception of public
DISPOSITION

Slow time of year

Fiscal Year End

Calendar Year End

DISPOSITION

Before disposition, ask:

- Has it met retention?
- Are there copies?
- Do I have a disposition log?
- Did I receive internal approval?
- Is there a destruction hold?
DISPOSITION

DISPOSITION LOG:
- Record series title
- Dates of record
- Date of disposal
- Volume of records disposed
- Disposal method
- Approval signatures

DISPOSITION

Destruction Holds:
- Litigation
- Public Information Request
- Audit
- Claim
- Negotiation
**DISPOSITION**

- Destruction of **Confidential** Paper Records

  - Shredding
  - Burning
  - Pulping

**DISPOSITION**

- Destruction of **Open** Paper Records

  - Recycle
  - Landfill

  - Shredding
  - Burning
  - Pulping
DISPOSITION

Microform
- Ensure protection of sensitive or confidential information
- Specific destruction instructions
- Judge’s order to expunge records includes any microform

Destruction of Electronic Records
- Reformat (enlist IT)
- Overwrite three times
- Degauss (neutralize magnetic field)
- Physically destroy
  - Shred
  - Pulverize
  - Drill holes

4. WRAP-UP
Where to go for more resources

Back at the Office...

✓ Check compliance status
  ▪ Policy on file?
  ▪ RMO Designation?
  ▪ Adopt or update schedules?

✓ Organize records or consider doing an inventory

✓ Get more training and share resources
WRAP-UP

✓ File and organize your records

- Consider doing an inventory
- Clean-up shared drives
- Manage email folders

Webinars, Online Classes, and more

https://www.tsl.texas.gov/slrm/training

Topics:
- Records Retention and Disposition
- Disaster Preparedness
- Electronic Records Management
- Storage and Preservation
- ...and more!
WRAP-UP

✓ Subscribe to blog: *The Texas Record*

- Announcements
- Upcoming training
- New services
- Featured questions


WRAP-UP

Find the analyst assigned to your county:


Call:
(512) 463-7610

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