Clerks 101: New Clerk Orientation

- Establish a Plan

Hon. Joyce Hudman
Brazoria County, County Clerk
Establish a Plan

Which Retention Plan is best for me?

Three Options:
A. Permanent retention of all records;
B. Declaration of Compliance (SLR 508); OR
C. Records Control Schedule (SLR 540/500).

Note - Not keeping a record long enough can result in Class A misdemeanor, third degree felony, criminal penalties and fines under the PIA.

Am I a State or Local Government?

County and District Clerks are defined in Texas Local Government Code 201.003 (7) as: "Local government" means a county including all district and precinct offices of a county, municipality, public school district, appraisal district, or any other special-purpose district or authority.
What Local Retention Schedules apply to my office?

Texas State Library and Archives Commission
1201 Brazos St., Austin TX 78701
(512) 463-5455
info@tsl.texas.gov
P.O. Box 12927, Austin TX 78711-2927

.records Management for County and District Clerks
Go to: http://bitly.com/localsschedules
GR (General Records) Schedule-
CC (County Clerk) Schedule-
DC (District Clerk) Schedule-
EL (Election /Voters) Schedule
Also see: Local Government Records Act - Bulletin B, D & F http://bitly/bulletine

GR- Government Records
Part 1: Administrative Records
Part 2: Financial Records
Part 3: Personnel and Payroll Records
Part 4: Support Services Records
Part 5: Electronic Data Processing Records
https://www.tsl.texas.gov/slrm/recordspubs/localretention#Index

CC- County Clerk
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
https://www.tsl.texas.gov/slrm/recordspubs/localretention#Index
Can parts of a schedule be applicable to my office?

There are many parts contained in the GR, CC and DC retention schedules that may be applicable to you. A great example of this is if you are a District Clerk that has records of a statutory County Court. These type cases are covered under the CC schedule. If parts from a schedule apply to records you keep in your office you should adopt all schedules that have records that pertains to your office and only work the applicable parts or create a specific Records Control Schedule.

Who do I contact at the State Library and Archives?

To find the contact information for the government information analyst assigned to your local government, select the county in which the government is located and click on the analyst's name listed next to the county. If the name of the analyst is 'All' then any analyst can provide assistance and can be reached at 512-463-7610.

Go to: https://www.tsl.texas.gov/slrm/local/countylist.html
How do I get started with updating my records plan?

- Determine what changes you desire to make.
- Conduct a file inventory of all paper and electronic records.
- Once you understand what you have, you can properly develop a schedule to submit to TSLAC for approval or adopt the schedules they recommend.

What must I file to Change my Plan?

- **Policy Model 1: Records Management Policy Statement by an Elected County Official**
  - In the middle section, check whether the officeholder will serve as the RMO or designate a countywide RMO (which must have updated paperwork as well).
  - In the bottom section, check that you will file a written declaration (form SLR 508) that your office has adopted TSLAC schedules.
- **SLR 504: Designation of Local Government Records Management Officer (RMO) Form**
  - Complete the top portion only with contact information for the RMO. In the future when a new officeholder is elected, this form would need to be resubmitted with updated info.

How do I adopt TSLAC Schedules?

- **SLR 508: Declaration of Compliance with the Records Scheduling Requirement of the Local Government Records Act**
  - Section 1 - Mark the applicable schedules that will cover records generated by your office: GR/General, DC/District Clerk, CC/County Clerk
  - Section 2 - Mark the option to supersede any older schedules previously used.
  - Anytime the schedules are updated, the changes are automatically effective to governments that have adopted that schedule. You do not have to submit this form more than once.
### What are the difference between a DoC vs. RCS?

<table>
<thead>
<tr>
<th>Declaration of Compliance</th>
<th>Records Control Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easier to fill out</td>
<td>Based on an inventory of only your records – no irrelevant items</td>
</tr>
<tr>
<td>Easier to file – approved within a week or two</td>
<td>Ability to customize: divide into sections, or by department</td>
</tr>
<tr>
<td>No need to re-file when new schedules published – just start following new guidelines</td>
<td>Include additional records that are not on TSLAC schedules</td>
</tr>
</tbody>
</table>

### STEP 2

**Working the PLAN-Specifics**

### Create a Plan

- Inventory your records to see what needs to be restored, scanned, destroyed, kept permanently
- Permanent does not mean you have to keep the original document unless it is historical LGC Sec. 205.008
- Get buy-in from staff, commissioners court, Judges and public
- Confirm records management funds or archive funds available to begin projects
How do I read a records series?

<table>
<thead>
<tr>
<th>Record Number</th>
<th>Record Title</th>
<th>Record Description</th>
<th>Retention Period</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>GR100-01</td>
<td>MINUTES</td>
<td>Certified audiotapes of closed meetings</td>
<td>2 years</td>
<td>By law - Government Code, Section 551.104(a).</td>
</tr>
</tbody>
</table>

What records can I scan?

“Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media...

...subject to the requirements of this chapter and rules adopted under it.”

Local Gov't Code §205.002

https://www.tsl.texas.gov/slrm/recordspubs/lgbullb.html
What rules apply to electronic records?

- "A record is a record is a record"
- All retention schedules are "media neutral" – the same retention rules apply to a record no matter what format it’s in.

Can I destroy the paper document?

- **Local Government rules:**
  - Bulletin B: 13 TAC §772(a)
  - **Technology changes** – 10 years is considered "long-term retention" for electronic records

When can I destroy the paper?

- **Short Term Records (0-10 Years Retention)**
  - If the source document is destroyed, must retain the necessary record, hardware, and software

Local Government Code §205.008(c)
Long-term records (10+ Years Retention)

...but:

- Bulletin B rules apply

- Adequate technical documentation is kept (Sec. 7.73 for data files, Sec. 7.74 for text documents, Sec. 7.77 for electronic records in general)
- You have an electronic records security program (Sec. 7.75)
- Storage media is maintained in the right environmental conditions, is being recopied on a set schedule, and is labeled with all required information (Sec. 7.76)
- The scanning conforms to ANSI/AIIM standards and is done at the right resolution (Sec. 7.76)
- A visual quality control check is performed on every document (Sec. 7.76)
- The recordkeeping system that holds the records does not provide an impediment to public access (Sec. 7.79)

What should not be destroyed?

It is illegal to destroy any record that is involved in ongoing:

- Litigation
- Claim
- Public Information Request
- Audit
- Classified Historical Records

Do I have to write down all the records that are being destroyed?

- Required for state agencies
- Not required for local governments, but strongly recommended

Download a blank form at:
So what about Historical Records?

- Court may not destroy a court document created before 1951.
- TSLAC shall adopt rules for storage of these historical court records.
- Rules go into effect April 2015.

Am I required by law to provide a judge a “paper” file?

- NO, as long as you can provide access to an electronic file to the judge. Rule 21- (f)(13) Official Record. The clerk may designate an electronically filed document or a scanned paper document as the official court record. The clerk is not required to keep both paper and electronic versions of the same document unless otherwise required by local rule. But the clerk must retain an original will filed for probate in a numbered file folder.