



2019 County and District Clerks' Association
of Texas Winter Education Conference

January 28-31, 2019

Embassy Suites by Hilton Hotel Conference Center & Spa, San Marcos

Piece of the Puzzle, Part of the Whole

Clerks 101: New Clerk Orientation

- Establish a Plan

Hon. Joyce Hudman
Brazoria County, County Clerk

STEP 1



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?

o 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/localschedules>
- 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://bit.ly/bulletinb\(d\)or\(f\)](http://bit.ly/bulletinb(d)or(f))

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/slr/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/slr/recordspubs/localretention#Index>

DC- District Clerk

- o Part 1: Civil Case Records
- o Part 2: Tax Suit Records
- o Part 3: Family Law Case Records
- o Part 4: Juvenile Records
- o Part 5: Criminal Case Records
- o Part 6: Multi-Case/Multi-Court Records
- o Part 7: Miscellaneous Court Records
- o Part 8: Jury Records
- o Part 9: Grand Jury Records
- o Part 10: Naturalization Records
- o Part 11: Administrative and Financial Records
- o Part 12: Business and Professional Records
- o Part 13: Miscellaneous Records
- o <https://www.tsl.texas.gov/slr/recordspubs/localretention#Index>

Can parts of a schedule be applicable to my office?

o 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?

o 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.

o GO to: <https://www.tsl.texas.gov/slr/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?

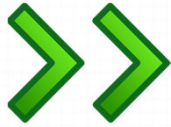
Declaration of Compliance

- ◊ Easier to fill out
- ◊ Easier to file – approved within a week or two
- ◊ No need to re-file when new schedules published – just start following new guidelines

Records Control Schedule

- ◊ Based on an inventory of only your records – no irrelevant items
- ◊ Ability to customize: divide into sections, or by department
- ◊ Include additional records that are not on TSLAC schedules

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?

Unique # assigned to this record series by TSLAC

What TSLAC calls this series

The scope of the series: what kinds of records would be classified here

Minimum amount of time you have to keep these records

Statutes that govern the retention of this record series and other notes about retention added by TSLAC

Record Number	Record Title	Record Description	Retention Period	Remarks
GRI000-03f	MINUTES	Certified audiotapes of closed meetings.	2 years	By Law - Government Code, Section 551.104(a).

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

<http://bit.ly/bullerincb>

<https://www.tsl.texas.gov/slrn/recordspubs/lgbullb.html>

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skip to content

Electronic Records Standards and Procedures

Local Government Bulletin B

As amended, effective July 1998

View this document as a PDF

Contents

Local Government Code, Chapter 205, Electronic Storage of Records

- 205.001. Definitions
- 205.002. Authorization
- 205.003. Standards and Procedures to be Adopted
- 205.004. Rules to be Updated
- 205.005. Supreme Court Rules
- 205.007. Electronic Storage Authorization Requests
- 205.008. Destruction of Source Documents
- 205.009. Denial of Access Prohibited

Texas Administrative Code Title 13, Chapter 7, Electronic Records Standards and Procedures

- 7.71. Definitions
- 7.72. General
- 7.73. Creation and Use of Data Files
- 7.74. Creation and Use of Text Documents
- 7.75. Security of Electronic Records
- 7.76. Maintenance of Electronic Records Storage Media
- 7.77. Retention of Electronic Records
- 7.78. Destruction of Electronic Records
- 7.79. Public Access to Electronic Records

What rules apply to electronic records?

o "A record is a record is a record"

- o 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:

§7.72. General.

(a) These sections establish the minimum requirements for the maintenance, use, retention, and storage of any electronic record of a local government whose retention period is 10 years or more on a records retention schedule adopted under Section 7.125 of this title (relating to Records Retention Schedules). These sections do not apply to electronic records with retention periods of less than 10 years, but they are subject to the applicable provisions of the Local Government Code, Chapter 205.

Bulletin B: 13 TAC §7.72(a)

- Technology changes – 10 years is considered "long-term retention" for electronic records

When can I destroy the paper?

o Short Term Records (0-10 Years Retention)

- o If the source document is destroyed, must retain the necessary record, hardware, and software

(c) The source document, if any, for electronically stored local government record data not covered by Section 205.007(a) may be destroyed before the expiration of the retention period for the source document in a records retention schedule issued by the commission if the magnetic tape, optical disk, or similar medium and hardware and software necessary to provide access to local government record data on the media are retained for the retention period in the schedule. Conversely, the magnetic tape, optical disk, or similar medium may be erased, written over, or destroyed before the expiration of the retention period for a source document for local government record data not covered by Section 205.007(a), if the source document, if any, is retained until the expiration of its retention period or, if the source document has already been destroyed, paper or microfilm copies are generated from the magnetic tape, optical disk, or similar medium before destruction or erasure and retained until the expiration of the retention period for the source document.

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 recycled 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: <http://bit.ly/dispositionlog>

So what about Historical Records?

- H.B. 1559 took effect September 1, 2011. Text: <http://bit.ly/hb1559>
- Court may not destroy a court document created before 1951.
- TSLAC shall adopt rules for storage of these historical court records.
- Bulletin F (created in cooperation with Local Government Records Storage Task Force) published April 2013. <http://bit.ly/bulletinf>
- 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.

COUNTY CLERK RECORDS MANAGEMENT

- **Records Management - LGC 118.0216 and 118.011(b)(2)**
- \$10.00 (as of 9/1/2013) collected on all recordings, brands, marriage license and meeting notices. NOTE: Fee goes down to \$5.00 per document September 1, 2019.
- \$5.00 after September 1, 2019.
- **Records Archive - LGC 118.025 and 118.011 (f)(1)**
- \$10.00 (as of 9/1/2013) collect on all recordings, brands and marriage license NOTE: Fee goes down to \$5.00 per document September 1, 2019.
- \$5.00 after September 1, 2019
- **Civil, Criminal, Probate Records Management**
- \$25.00 collected on Criminal Cases - CCP Article 102.005(f)
- \$5.00 collected on Civil Cases - LGC 118.0546 and 118.052(3)(G)
- \$5.00 collected on Probate Cases - LGC 118.0645 and 118.052(3)(G)
- **Vital Statistics - HSC 191.0045(h)**
- \$1.00 collected on marriage, death and birth
- **County & District Clerks Technology - CCP Article 102.0169(a)**
- \$4.00 collected on criminal cases
- **County Records Preservation (GC 51.708)**
- \$10.00 collected on Civil Cases
