Records Management and Disposition

Wednesday, January 30, 2019
10:45 a.m.–noon

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Learn about the basics of records management, including the compliance requirements for each elected office in Texas. We will also look at how the retention schedules address civil and criminal case exhibits.
Bonnie Zuber is a senior government information analyst at the Texas State Library and Archives Commission. Her career began working in public libraries, but after graduate school, she discovered the field of records management and is now part of a team that provides training and consulting services for state and local governments. She does not know all the answers but is excited to help you find them.
INTRODUCTION

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

Call: 512-463-7610  |  Email: slrminfo@tsl.texas.gov
1. BASICS
Definitions and Legal Framework
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

Local Government Records Act


Published as: Bulletin D

- Definitions
- Local authority
- Role of RMO
- Compliance requirements
Benefits of good records management:

- Legal requirement and protection
- Workflow efficiency
- Timely disposition
- Cost reduction
- Protection of essential records
Consequences of *not* managing records

- Legal risk
- Longer retrieval times
- Higher costs
- Ongoing obligation to protect records
- Potential criminal penalties
- Negative perception

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

Once upon a time...
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 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 Element #3: Retention Decision

3 Options:
- Permanent
- Adopt TSLAC schedules
- Create custom schedule

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

http://bit.lylocalschedules
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


2. Retention
How long and where do I keep this record?
RETENTION

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
Transcripts
Letters of reference

2 years
Common retention period codes:

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

RETENTION SCHEDULE

Lists all records series with mandatory minimum retention periods.

Schedules are media-neutral.
RETENTION

TSLAC Local Retention Schedules available to adopt:

**GR – General Records plus...**

<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

SOCIAL MEDIA

RETENTION

BuzzFeed News  This Guy Responded To Cops Who Posted His Mugshot On Facebook And...

Posted on December 6, 2018, at 7:30 p.m. ET

A police department in Washington state made a lot of people laugh this week with a back and forth Facebook exchange with a criminal who had a warrant out for his arrest for allegedly violating his probation.

Anthony Akers  Calm down, im going to turn myself in. 😁👍 12K

Like · Reply · 2w
RETENTION

Richland WA Police Department: Hey Anthony! We haven't seen you yet. Our business hours are 8:00 am - 5:00 pm Monday through Friday. Of course if you need a ride you can call non-emergency (509-628-0333) and we will pick you up.

Anthony Akers: Richland WA Police Department thank you, tying up a couple loose ends since I will probably be in there for a month. Should be in there in the next 48 hours.

Dylan Olsen: Has he turned himself in Richland WA Police Department?

Richland WA Police Department: Dylan Olsen - he has not.

Mike Doli: Leilei Falaks to comply with grooming standards? Come on man, that stache gotta go!

Christina Chembera: Gekk I love it! No extra tax dollars wasted. No way guy nabbed whilst trying to apprehend him... just good old old style waxing! 😂 Richland WA Police are true gentlemen! Swooooooo!

Richland WA Police Department: shared a post.

Morose Monday, Dear Anthony, is it us? Last Wednesday we reached out to you as “wanted”. You replied and even said you were going to turn yourself in. We waited 48 hours. On Friday we reached out again needing 48 hours. Then Sunday we think you are not coming in.

Anthony Akers: Here for our date sweetheart 😘

Anthony Akers: Richland WA Police Department, you’re me. I obviously haven’t been standing you up, but let me explain then lunchtime tomorrow. I got a bit of a head start, but let me explain. I will see you by lunchtime tomorrow with commitment issues. Thank you for patiently giving me another chance to deserve it.

P.S. You’re beautiful 😍

Like · Reply · 2w

Like · Reply · 2w

Like · Reply · 2w

Like · Reply · 2w

Like · Reply · 2w

Like · Reply · 2w
Social Media is public information.

Usage of social media by a local government results in records retention and public access obligations.

Developing a Social Media Strategy will help satisfy those obligations.

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
RETENTION

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.

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**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
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...

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
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 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 stick with it.

Webinar: Email Management Part 1

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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.

What does “properly” mean?
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
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](image1)  ![Burning](image2)  ![Pulping](image3)

- Destruction of **Open** Paper Records
  
  ![Recycle](image4)  ![Landfill](image5)  ![Shredding](image1)  ![Burning](image2)  ![Pulping](image3)
**DISPOSITION**

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

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**DISPOSITION**

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

Where to go for more resources

4. WRAP-UP

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
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- New services
- Featured questions


WRAP-UP

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