The Fundamentals of Records Management

- Understand the legal framework of records laws and retention rules.
- Know the definition of a record.
Three Pillars of Open Government

- **Public Information Act** (Gov. Code Chapter 552)
- **Open Meetings Act** (Gov. Code Chapter 551)
- **Local Government Records Act** (Local Gov. Code Chapters 201-205)

Local Government Records Act

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

LGC § 201.002 Purpose
Laws Published as Bulletin D


- Definitions
- Local authority
- Role of RMO
- Compliance requirements

The Records Life-Cycle

- Creation or Receipt
- Maintenance and Use
- Disposition
- Transfer
- Destroy
Benefits of Records Management

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

Some Consequences of Not Managing Records

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

- 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

Electronic Records:

• 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

An Electronic Record:

• Meets the definition of a local government record
• Any information that is recorded in a form for computer processing; machine-readable
Metadata:

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

COMPLIANCE

Review the 3 Elements of Compliance:

• Filing a records management 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 who will be designated as RMO
- Non-elected Offices
- Elected Offices
  - Pre-approved by the governing body (council, board, commissioners court)
  - Official signs their own statement

Approved policies filed with TSLAC

Policy Model Templates

- Policy Model 1
  - Elected Officials
  - Statement signed by official

- Policy Model 2
  - Counties and Large Local Governments
  - Requires governing body approval

- Policy Model 3
  - Small Municipality
  - Requires governing body approval

- Policy Model 4
  - School Districts, MUDs, ESDs
  - Requires governing body approval
DO YOU HAVE A POLICY ON FILE WITH TSLAC?

YES!  NO!  I DON’T KNOW!

The elected county officer shall:

1) **develop policies and procedures** for the administration of an active and continuing records management program;

2) **administer the records management program** so as to reduce the costs and improve the efficiency of recordkeeping;

LGC §203.002
Compliance Element #2:

SLR 504 – Designation of Records Management Officer
• File new form within 30 days of personnel change
• Position must match policy statement
• Sign and mail the form

Compliance Element #3: Make a Retention Decision

Options:
• Adopt TSLAC schedules
• File amendments to schedules
• Permanent
Retention Decision: Adopt TSLAC Local Retention Schedules

- Choose retention schedules that apply to your government office
- Submit form SLR 508 – Declaration of Compliance

Retention Decision: Making Schedule Amendments

- Different structural needs
- Unique records
- Instructions for disposition

- Submit form SLR 520 with cover page SLR 540
Retention Decision: Permanent

• Requires policy and RMO Designation

• Risks:
  o Storage costs
  o Retrieval times
  o Continued responsibility to protect records
  o Increased legal risk

If your office does not have a retention decision on file with TSLAC, all records are REQUIRED to be kept permanently.

Find Compliance Forms

• Policy models
• SLR 508 – Declaration of Compliance
• SLR 504 – Designation of RMO
• Sample disposition log

Download from our website:
• https://www.tsl.texas.gov/slrm/forms
Retention

- How to read a retention schedule
- Managing texts, social media, and email records

A Record Series Is:

- A grouping of records that all serve the same function and are all kept the same length of time.
A Retention Period Is:

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

2 years

Common Retention 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)
A Retention Schedule:

- Lists all records series with mandatory minimum retention periods.
- Schedules are media-neutral.

Benefits:
- Comply with laws and provide legal protection.
- Convey retention rules to agency staff.
- Identify, secure, and protect vital records.

Elements of a Retention Schedule

<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>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>

Unique # assigned by TSLAC
What TSLAC calls this series
The scope; what kinds of records would be classified here
Minimum amount of time the records must be kept.
Citations or other notes affecting the retention
TSLAC Local Retention Schedules

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC</td>
<td>Records of County Clerks</td>
</tr>
<tr>
<td>DC</td>
<td>Records of District Clerks</td>
</tr>
<tr>
<td>EL</td>
<td>Records of Elections and Voter Registration</td>
</tr>
<tr>
<td>GR</td>
<td>Records Common to All Local Governments</td>
</tr>
<tr>
<td>HR</td>
<td>Records of Public Health Agencies</td>
</tr>
<tr>
<td>JC</td>
<td>Records of Public Junior Colleges</td>
</tr>
<tr>
<td>LC</td>
<td>Records of Justice and Municipal Courts</td>
</tr>
<tr>
<td>PS</td>
<td>Records of Public Safety Agencies (Police, Fire, EMS, ME, etc.)</td>
</tr>
<tr>
<td>PW</td>
<td>Records of Public Works and Other Government Services</td>
</tr>
<tr>
<td>SD</td>
<td>Records of Public School Districts</td>
</tr>
<tr>
<td>TX</td>
<td>Records of Property Taxation</td>
</tr>
<tr>
<td>UT</td>
<td>Records of Utility Services</td>
</tr>
</tbody>
</table>

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
New Legislation: S.B. 944 – Amendment to Public Information Act

• “Temporary Custodian” – past or present officer or employee creating or receiving public government records on a personal device.
  - Must forward or transfer the public information to the governmental body to be preserved according to existing retention rules; or
  - Preserve the public information in its original form on the privately-owned device according to existing retention rules.

https://www.texasattorneygeneral.gov/open-government

Managing Text/Instant Messages

• Use separate devices for work and personal use.
• Refrain from creating government records via text or instant message unless necessary to perform job duties.
• If messages are government records, decide how to capture.
  – Screenshot, save image
  – Forward to email
Managing Social Media Records

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
Pop Quiz

How long do we keep our email?
A. However long you want to.
B. It depends on the content.

Managing Email Records

• Email is a *format*, not a type of record
  – No record series called “paper” or “email”
• Determine retention by the *content* of the email
  – Same criteria as paper records.
• Includes any government records sent from personal devices or accounts.
Who Has the Record Copy?

- **Custodian**: The person who has the record copy, which needs to be kept for the full retention period
- Sender is typically custodian of the record copy
- Recipient copy is also a record if:
  - You need to take action based on message
  - Message required for adequate documentation of action

3-Step Drill for Managing Email

1. Is this a record?
2. Is this related to my job?
3. Am I the custodian?
After The Drill

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 email

**Correspondence – 1.1.007**
- Administrative – 4 years (review for historical value)
- General – 2 years

**Complaint Records – 1.1.006**
- Final disposition of the complaint + 2 years

**Public Information Act Requests – 1.1.020, 1.1.021**
- Non-exempted: Date request fulfilled + 1 year
- Exempted: AC = Date of notification that records are exempt + 2 years

**Work Schedules – 3.3.020**
- 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

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
“A comprehensive term that includes destruction as well as other actions, such as the transfer of permanent records.”

– National Archives and Records Administration (NARA)

Benefits of Disposition

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

**PREVENTS:**
- Information overload
- Human error
- Negative perception from the public
When to Do Disposition

- Fiscal Year End
- Calendar Year End
- "Slow" time of the year
- Before migration to a new system

Before Destroying Records

- Has the record met the retention period?
- Are there any copies?
- Is there a destruction hold?
- Did I receive internal approval?
- Do I have a disposition log?

Ask yourself...
Types of Destruction Holds

- Litigation
- Public Information Request
- Audit
- Claim
- Negotiation

Types of Disposition

- Transfer
- Destroy
**Destruction Methods**

**Confidential Records**
- Burning
- Shredding
- Pulping

**Open Records**
- Recycle
- Landfill

**Destruction of Electronic Records**

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

Elements of a Disposition Log

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

Types of Disposition

Transfer → Destroy
Transfer of Non-permanent Records

- Only to other *public* institutions
  - Exceptions must be approved by TSLAC
  - Check for other applicable regulations
- After expiration of retention period
- Documented approval from RMO
- Change of custody

Local Gov. Code §202.004

Transfer of Permanent Records

- Only to other *public* institutions
- Documented approval from RMO
- Documented approval from TSLAC
- Change of ownership
  - Physical & Legal

Local Gov. Code §203.049
Records Storage Standards

BULLETIN F:

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


Destruction of Microfilm

• Ensure protection of sensitive or confidential information
• Specific destruction instructions
• Judge’s order to expunge records includes any microform
We Can Do Even More

• TSLAC Storage Services
  o https://www.tsl.texas.gov/slrm/storage.html

• TSLAC Imaging and Microfilm Services
  o https://www.tsl.texas.gov/landing/imaging-micro

Back at the Office...

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

✓ Create your team
✓ Share resources
More Training

https://slrmtraining.tsl.texas.gov/

• Webinars
• Self-paced online courses
• Conferences
• Regional workshops

The Texas Record Blog

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

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QUESTIONS?

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