

# Records Retention Schedules and Proper Disposition of Public Records

Presented by:

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# Together we'll learn how to...



**Take stock of the current situation**



**Appraise records**



**Apply a retention schedule to records**



**Dispose of records appropriately**



**Develop an inactive records storage area**



**Develop filing systems that work for you AND  
make retention scheduling easier**



**Keep your program going**



**And we're going to have FUN  
learning together!**



**"There are 3 kinds of people: those who  
can count and those who can't!"**

Source: [haha.com](http://haha.com)

# What is a record?

**For government in Montana, state law says:**

**2-6-202. Definitions.** As used in this part, the following definitions apply:

(1) (a) "Public records" includes:

(i) any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including copies of the record required by law to be kept as part of the official record, regardless of physical form or characteristics, that:

(A) has been made or received by a state agency to document the transaction of official business;

(B) is a public writing of a state agency pursuant to [2-6-101\(2\)\(a\)](#); and

# More definition

(b) The term includes electronic mail sent or received in connection with the transaction of official business.

(c) The term does not include any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other type of document that is for reference purposes only, a preliminary draft, a telephone messaging slip, a routing slip, part of a stock of publications or of preprinted forms, or a superseded publication.

(2) "State records committee" or "committee" means the state records committee provided for in 2-15-1013.

Was it created, sent, or received in connection with city/town business?



Does it deal with, or document, town business?



Does a regulation, retention schedule, or state statute require us to retain it?



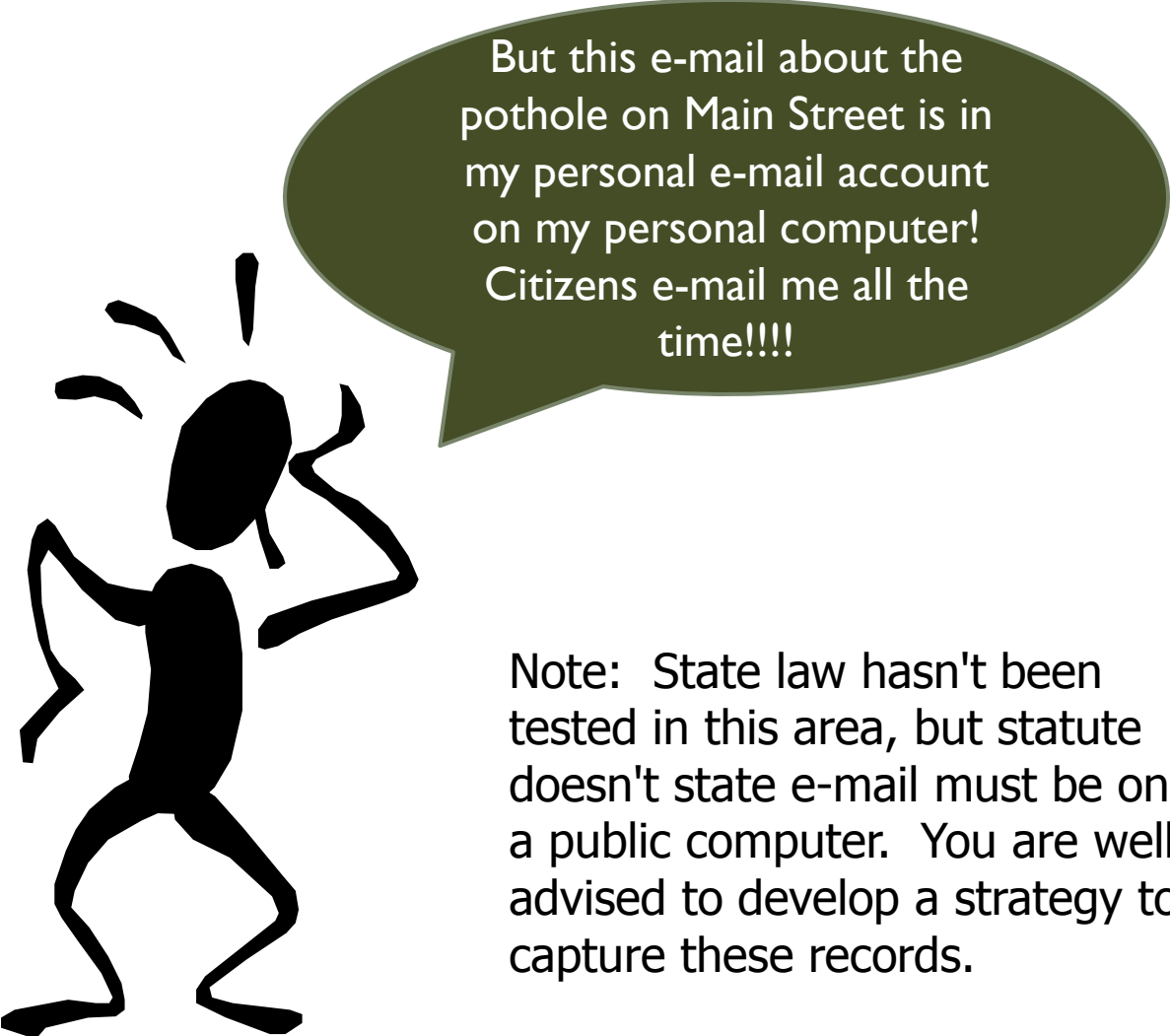
It's a record

# Record Components

- Content
- Context
- Structure



# The "but what abouts"



But this e-mail about the pothole on Main Street is in my personal e-mail account on my personal computer! Citizens e-mail me all the time!!!!


Note: State law hasn't been tested in this area, but statute doesn't state e-mail must be on a public computer. You are well advised to develop a strategy to capture these records.

# The "but what abouts"

This information is nobody's business. It's part of an investigation we're conducting.



A police investigation is a record, it's just not a **public** record. Because it's a confidential record, you need a strategy to ensure it isn't inadvertently released to the public.

- 
- What are some examples of public records in your office?
  - Private records?
  - Something that isn't a record?

**"Every morning is the dawn of a new error."**

Source: [haha.com](http://haha.com)

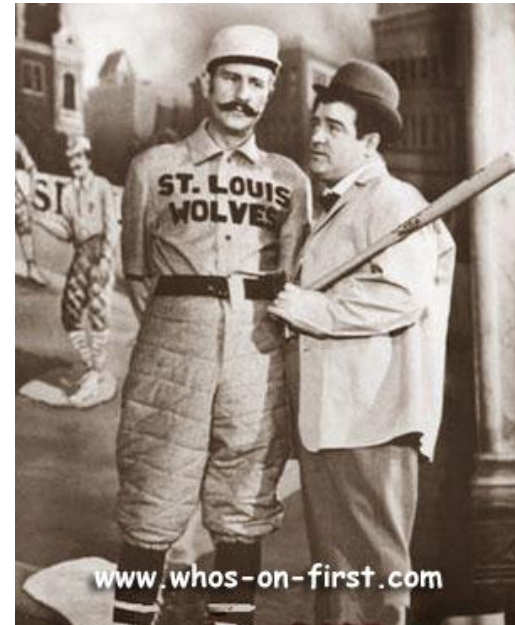
**“I don't have time to wade through every piece of paper.”**

- **You don't have to.**
- **Record Series: A group of identical or related records that are normally used and filed as a unit which permits evaluation as a unit for retention scheduling purposes.**



# The Office of Record and Abbott and Costello

The office in an organization that has the official responsibility to maintain a record series. Copies in other offices can be destroyed when no longer needed. They shouldn't be retained longer than the "record copy."



**Who's on First?**

# Vital Records

Records containing information required to re-establish or continue an organization in the event of a disaster; records containing unique and irreplaceable information necessary to recreate an organization's legal and financial position and preserve the rights of the organization and its employees, customers, shareholders, and other constituent groups.

# More on vital records...

- Vital records include records whose informational value to the organization is so **GREAT**, and the consequences of loss so **SEVERE**, that special protection is justified in order to reduce the risk of loss.
- Examples of Vital Records in your office?
- Examples of disasters that might affect your records/operations?

# Steel your resolve...test your metal!

- Are all records vital records?
- Are all permanent records vital?
- Are last month's time cards vital? Time cards from this pay period?
- Is the contract for last year's audit vital? This year's audit?
- Does "important" = "vital?"





# Some folks think records take on a life of their own!

- They're right!!!  
Records DO have a life cycle, and it affects how and where we store them.





# Record Life Cycle

## **Creation**



# Record Life Cycle

## **Distribution and Use**



# Record Life Cycle

## **Storage and Maintenance**



# Record Life Cycle

## **Retention and Disposition**

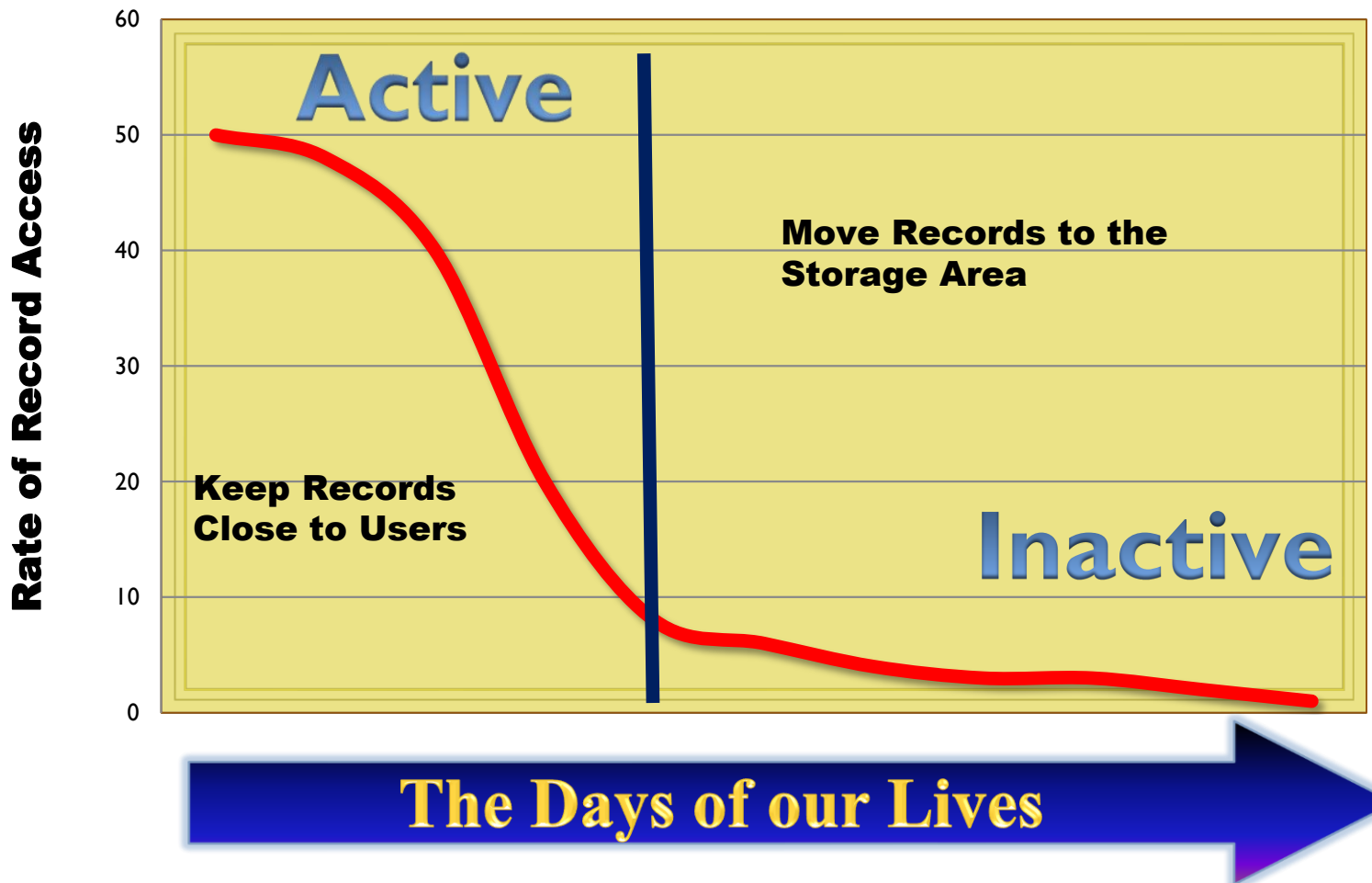


# Record Life Cycle

**Archival  
Preservation**

# Record Life Cycle and a Soap Opera

Rate of Record Access Over Time



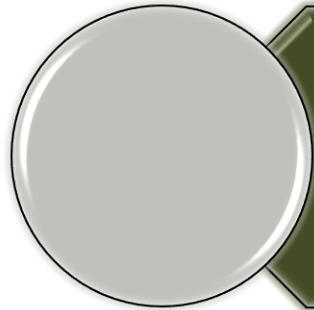
# The Record Inventory

An identification, description and quantification of all the records possessed by an organization.

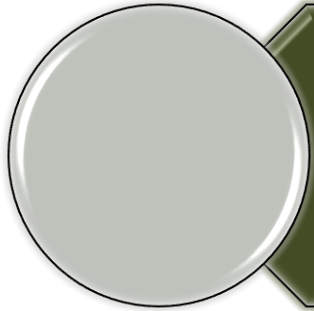




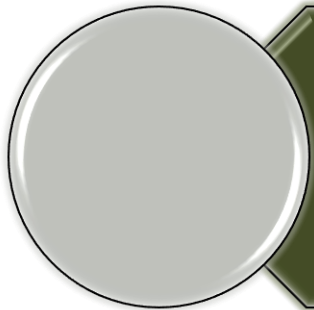
# Why inventory?



**It's a basic building block of a successful records program.**



**You gain an understanding of what records your org. has, where they are, and how people use them.**

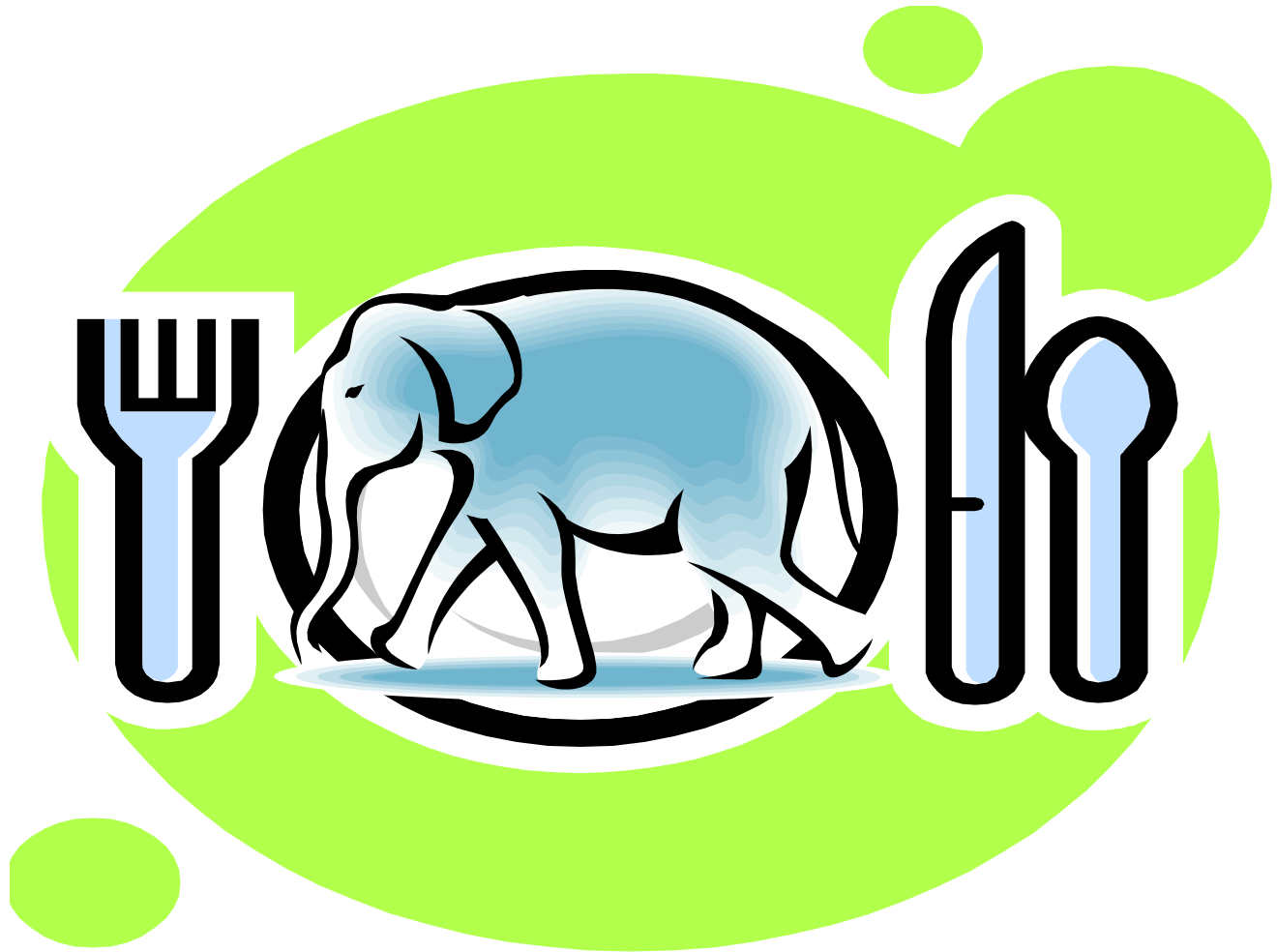


**You learn how many records your org. has and how fast they are growing.**

# Why inventory? (cont.)

The inventory becomes the working document to prepare a retention schedule, establish a vital records program, and improve recordkeeping.

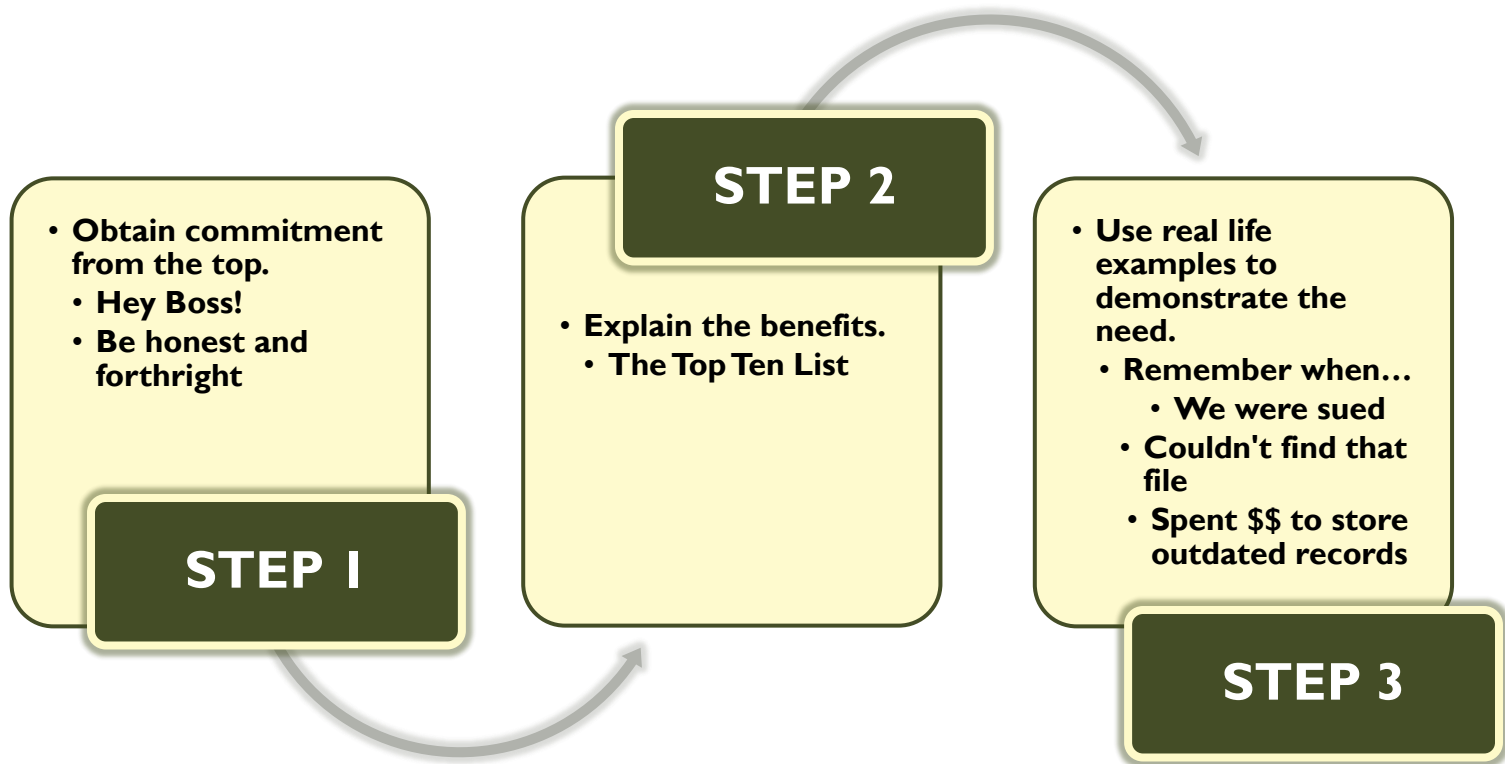
How do you eat an elephant?



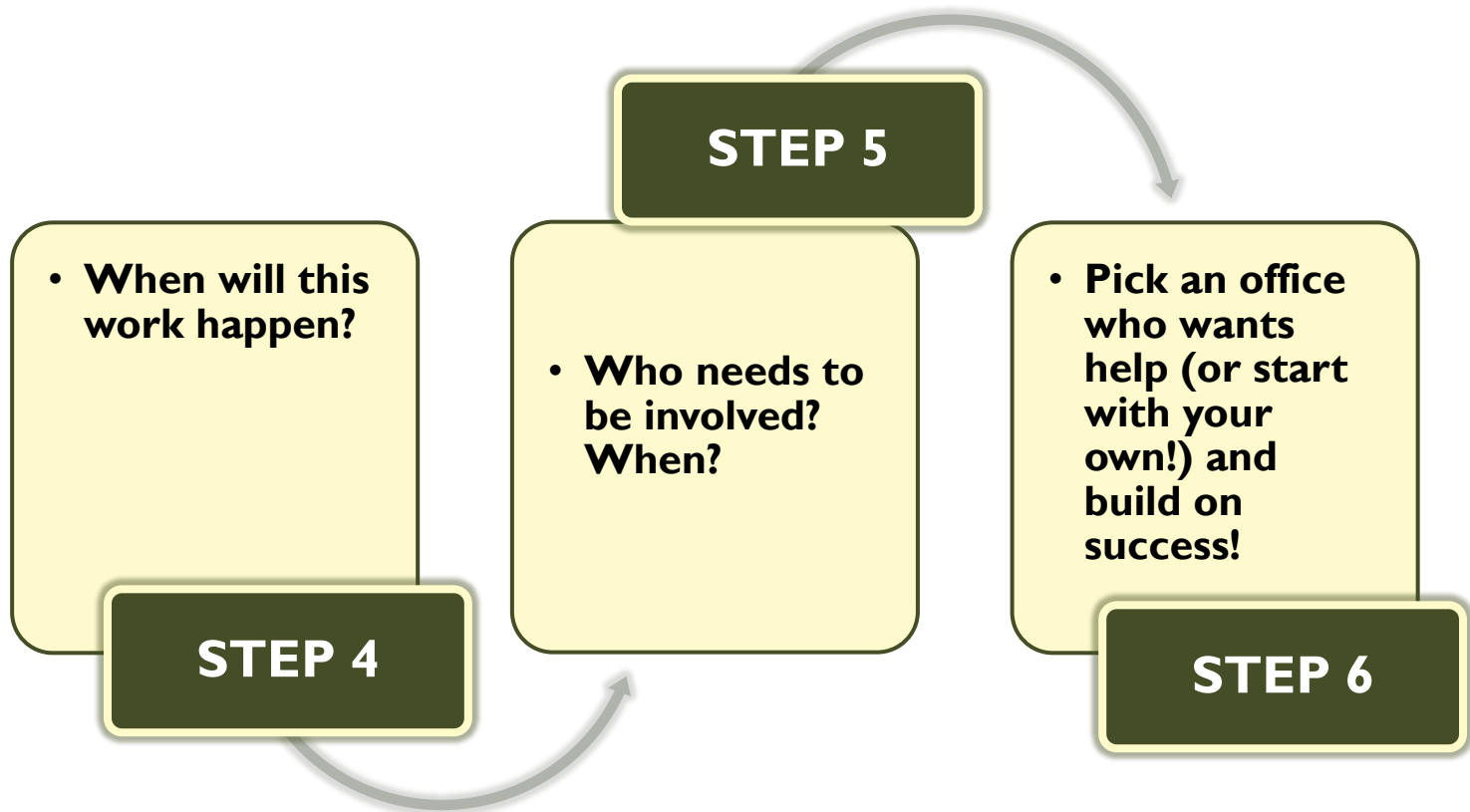


**One bite at a time!**

# Sell the idea to your organization



# Establish a work schedule



# Talking with your colleagues

## STEP 7

- **Not everyone is willing—put on your diplomat hat and remember WIIFT!**

## STEP 8

- **Be facilitative, courteous, and interested in their issues and problems**

## STEP 9

- **Avoid judging or preaching!**

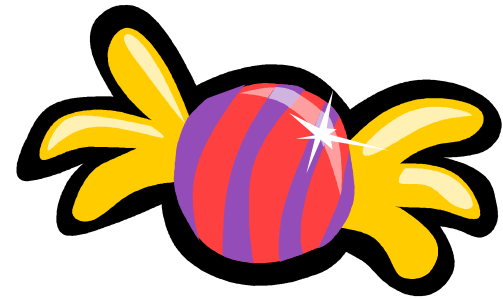
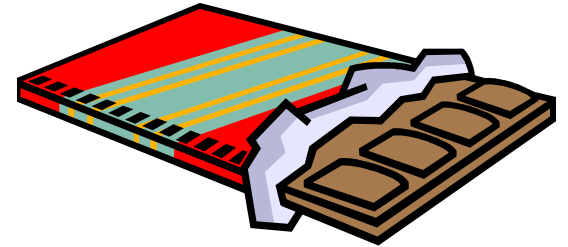
# Your colleagues will want to know

- Why is this project happening?
- What is the end result?
- What is in it for them?
- What is the process you will use?
- When will they need to be involved—at what stage and to what extent?
- How much time is required of them?



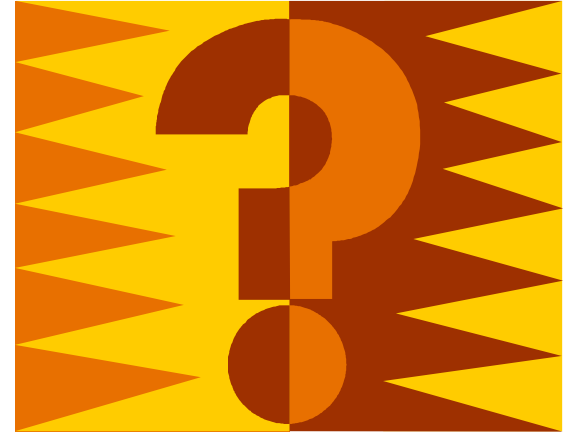
# Recipes for success

- **Bring** beverages, treats, favors and other subversive forms of **BRIBERY!**
- **Avoid** doing this project during a busy season.
- **Listen** to concerns and problems and seek solutions.



# Recipes for success

- **Ask good questions to understand why a record is created and how people use it.**
- **Get all the information you need while you're there.**
- **Avoid the “every conceivable contingency” syndrome.**



# Taking Stock of Your Records

- **Focus on the record series, not the individual files or documents.**
- **Use one form per record series.**



# Taking Stock of Your Records

- **Try to understand how and why a record series is created. If it doesn't have a business or legal purpose, perhaps it shouldn't be created in the first place!**
- **If a record series is created, appended, and used by several departments, you might need to get folks together to understand how each office uses it and who the office of record will be.**

# Appraising Record Series to Determine Retention Requirements

- **The Four Retention Values**
  - **Administrative/Operational Value**
  - **Legal/Regulatory Value**
  - **Fiscal Value**
  - **Enduring Value**

# Administrative/ Operational Value

- **Enable the employees to perform their primary function; the records necessary to conduct the daily business of the organization**



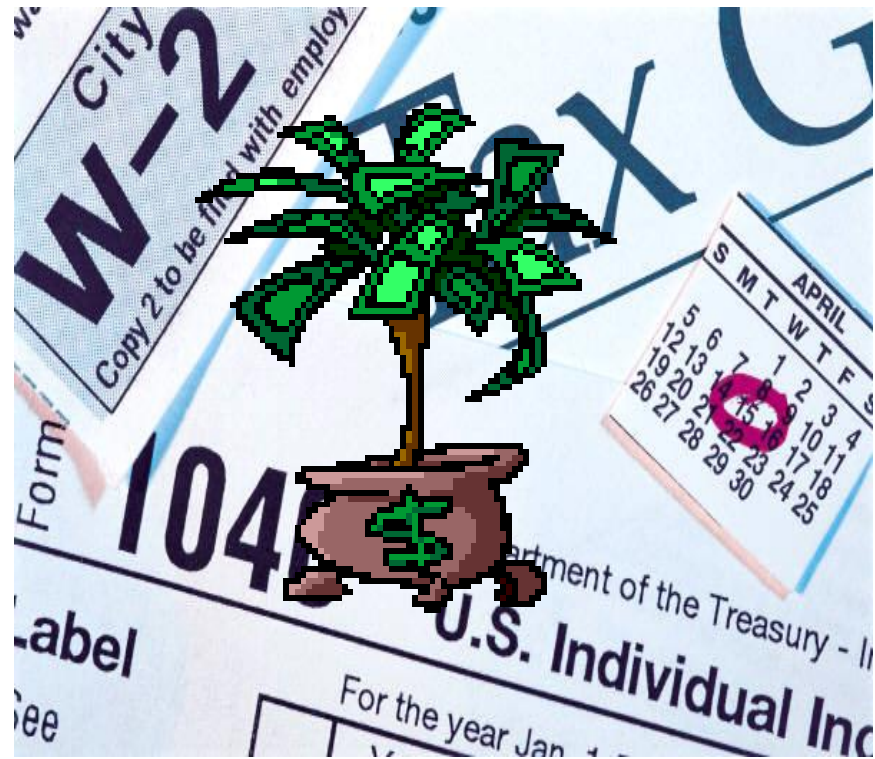
# Legal/Regulatory Value

- **Record series required to be retained by law or those that may be by needed in case of litigation or investigation**
  - Types of requirements:
    - Statutes
    - Rules and regulations
    - Statutes of limitation
    - Judicial or Admin. Opinions
    - Letter opinions issued by agency for a particular case



# Fiscal Value

- **Records that relate to financial transactions, especially those required for audit or tax purposes.**





# Enduring/Historic Value

- **Records that document historical past events.**
  - Will it be meaningful 300 years from now?
  - Often an historic record was created for a different purpose than its historic value.  
(Sanborn maps)



# And now for the Bonus round!

- **Do all records have administrative/operational value?**
- **Do all records have legal value?**
- **Do all records have fiscal value?**
- **Do all records have historic value?**
- **What if a record has none of these values?**



The best news you've heard all day...

- **Law enforcement agencies in Montana have a retention schedule approved by the state.**
- **Nearly all our record series are included on that schedule.**
- **There is also a general schedule for the records most departments have.**

# Established Retention Schedules

- **The record series are identified and described.**
- **The legal research is completed.**
- **Historic records are identified.**

# Smokey the Bear and reviewing the retention schedule

- Only you can review the schedule to ensure your administrative and operational issues are addressed
- Only you can identify the records that are important to continue business if there is a disaster.



# The Price is Right and Applying the Retention Schedule to Your Records

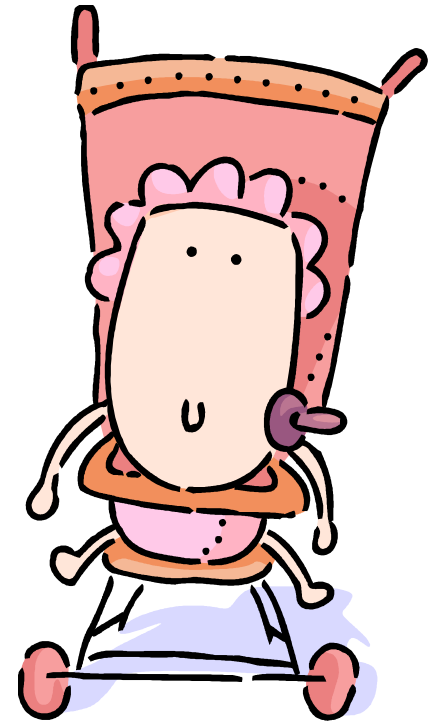
- Alter the retention schedule to work for your office.

Help control the record population.  
Have your retention schedule altered.



# It's your baby, you name it!

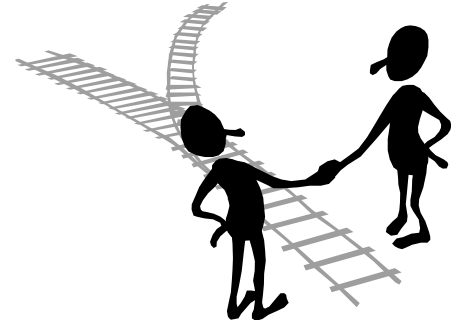
- **Amend the record series title if you call the same set of documents something different**
  - Example: Missoula City Finance changed “Annual Financial Report” to “Comprehensive Annual Financial Report (CAFR).”



# Newsflash!!!

Not all cities and towns file the same way!

- **If you file two record series together, You can merge them on your schedule and keep the longer retention period.**





# Newsflash!!!

Not all cities and towns file the same way!

- **If you don't have a record series listed, you can delete it from your schedule.**



# Newsflash!!!

Not all cities and towns file the same way!

- **If a different office keeps the record, you can change the “office of record.”**



# Hey! I've got records that aren't on here!

- **Method to get a retention period assigned**

- Inventory
- Associations approval – Yours and Sheriffs or Police
- Record Committee approval
- The State Records Coordinator will update the retention schedule on the State's website.



# Goldilocks and retention scheduling

- **If this retention period is TOO short!**
  - You can stretch out the retention period.
  - Beware of the “every conceivable contingency syndrome and the “until Joe retires” retention period!
  - Have a good business reason to extend a retention period.



# Goldilocks and retention scheduling

- **If this retention period is TOO long!**
  - You must get written approval from the State Local Government Records Committee to legally shorten a retention period.
  - Remember there is legal/fiscal research behind each retention period that may extend the period beyond your office's needs.
  - Remember that retention periods apply to all cities/towns in the state.

# Goldilocks and retention scheduling

- **Once your department is retention schedule is **JUST RIGHT!****
  - Have your City Council and Mayor approve it.

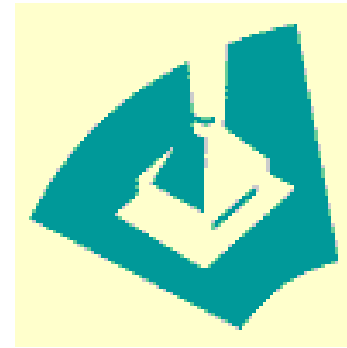


# Apply the retention schedule to your records

- **Identify the records series that have met their retention period.**

# Record Disposition Best Practices

- **Record Disposition Form**
- **Approval of Disposition Requests**
  - Approval req'd from the state record destruction committee is required before records are destroyed.
  - **2-6-405 MCA** requirements for **PUBLIC** records over 10 years old.
  - Special care for records containing confidential information







"There can't be a crisis today, my schedule is already full."

Source: [haha.com](http://haha.com)

# Sorting your records

- Review your records and determine which record series they belong to.
- In many cases, you don't need to review every single file.
- Apply the retention schedule and identify the records that are ready for disposal and those that need to be retained longer.

# Sorting your records

- Findings—You will find that the way records are stored or filed directly affects the inventory and the length of time records are stored. You might want to change the way you file things to make retention easier.
- The users of the records need to be involved to make sound retention decisions.

# Sorting your records

- You might not be familiar with all the records when you perform an initial sort. This is perfectly normal. You will need to make decisions on these records regardless based on sound logic.



Now the FUN part

Getting organized!

# Records Management Goals

- To access records and information quickly and efficiently
- To keep only the records needed based on the appraised values

# Organizing

- Organize the record series that have been identified

AND

- Organizing the inactive storage area with the files you identified during the sort.

# Dealing with “discoveries”

- You may have discovered record series that aren't created anymore
- Records you've been looking for
- Records you have no idea what they are



# Filing System Basics

- Create a file system for EACH record series.
- Remember a record series is a group of related documents.
- The method of filing needs to fit the characteristics of each record series.

# Filing System Basics

- Which means.....
  - If the information is protected, consider an indirect access method (using an index to find the records)
  - If the record series is used by many, consider open shelf unit, direct access
  - If the record series is large, consider filing numerically
  - If the record series is vital, take steps to protect the records necessary to resume business in the event of a disaster.

# Filing Tips

- Never use paperclips, rubber bands or sticky notes
- If it is important enough to keep, it is important enough to keep on a full piece of paper (eliminate scraps of paper, napkins, notes on file folders)

# Filing Tips

- Keep files properly aligned in the folder
- Always type labels or use a descriptive file name.
- ABC rule – Always Be Consistent
- Keep filing current
- Label each document for easy re-filing
- Only file ONE copy of each document

# Filing Tips

- If using top tab folders, be consistent in alignment – primary subject on left, secondary subject on right. You want a clean line for your eye to follow.

# Inactive Storage Tips

- Use standard sized boxes for paper records. Big boxes are hard to move.
- Always label the boxes with the record series title and the date the records are eligible for destruction.
- Assign storage areas to departments, functions, people
- Avoid the squatters and the creepers by limiting access
- Keep areas clean and “junk” free

# Inactive storage—Paper files

- Packing boxes correctly is important. Don't overstuff them.
- Put a single retention period in a box. (For example keep FY 11 records in a separate box from FY 10 records.)
- Don't put boxes on the floor.
- Leave 18" from the sprinkler head to the top row of boxes.

# Inactive storage

How to arrange the records cartons

By retention date

OR

By record series



# Inactive storage—Computer Files

- Put a single retention period on the storage media. (All files on Flash Drive are eligible for destruction in 2011.)
- Archive computer files to appropriately labeled storage media. If there is an index to access the records, store it on the disk too.
- Make sure your electronic storage media and the operating systems and software used to render the files will be available as long as the records you are storing on them.
- If you can, store files you are required to save less than 10 years electronically to save space.

# Inactive storage—Computer files

- Backup tapes maintained by IT are just that—back up copies to recover our business in the event of a disaster. The City does not use backup tapes to manage record retention.
- The State Records Committee mandates that any record required to be retained over 10 years can be retained on a computer system, but we have to also retain on paper or microfilm.

# SOS Website

- <http://sos.mt.gov/Records/Local/index.asp>
  - Municipal Retention Schedule 8
  - Forms to request destruction of records
  - Forms to request an addition or change to the retention schedule

# We're at the end


- Today we learned:
  - How to identify what record series your dept. has.
  - How the 4 appraisal values affect the retention period listed on a record retention schedule.
  - How to apply the retention schedule and how to seek permission to destroy the records
  - How to organize active and inactive records

# We're at the end

- Learned what we need to do to keep an inactive records storage area functional

AND

- We know we need to keep this up annually to avoid a judgment that this was a one-time house cleaning effort.



**Most importantly, learned that records management can be hard work but fun, productive, exhilarating, fulfilling, gratifying, and rewarding.**



**Thank you!**