Records Management
For the 21st Century
Practical Approaches for Government

Oregon State Archives
Why worry about RM?

• Poor RM is expensive, inefficient
  – Employees spend 25-40\% of their day searching for the right information to complete a given task.
  – Organizations on average retrieve only about 22\% of records relevant to an e-discovery case.
  – Settling out of court often cheaper than defending your agency
Why worry about RM?

• DuPont reviewed 75 million pages and found half were past retention. Cost for review of records past retention - $12 million

• 9% of agency/corporate annual budgets often dedicated to e-discovery
  – The Secretary of State spent 2.5% of its biennial budget in setting up ERMS. Ongoing licensing and maintenance: less than 1% biennially
Know The Laws
“Public record” means any information that:

(A) Is prepared, owned, used or retained by a state agency or political subdivision;

(B) Relates to an activity, transaction or function of a state agency or political subdivision; and

(C) Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision. – ORS 192.005 (5)

Each state agency or political subdivision shall maintain a public record or accurate copy of a public record in accordance with a retention schedule authorized under the law without regard to the technology or medium used to create or communicate the record. – ORS 192.108
“Public record” includes any writing containing information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics. – ORS 192.410 (4)

DOJ oversees access & disclosure
Oregon Public Meetings Law

The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.

– ORS 192.620
These laws are Inclusive, not Exclusive

AND

DO NOT distinguish between home and office: public work is public work
New Rules for Electronic Records

• OAR 166 Div. 17 sets rules for:
  – Electronic Records Management Systems
  – Digitization of records
  – Retention of records in electronic format
  – File format standards
  – System security
  – System maintenance
Ensure Compliance

• Have **written** policies and procedures that address use, access, retention & ownership of public records
  – Signed by staff
  – staff trained on the policy

• Have an **authorized** and **up-to-date** records retention schedule

• **Use the schedule** systematically and routinely
Records Retention Schedules
Records Retention - *What is it?*

- How long a public record must be kept to satisfy administrative, legal, fiscal and historical requirements of that public record.
- Determined by **content** of record, **not** format or medium
- Records Retention Schedule
  - Lists **ALL** records & retention periods
  - Approved by the State Archives
  - **Legal Authorization** to destroy public records
How is retention determined?

**Administrative** needs of the agency

**Fiscal** requirements of the agency

**Legal** requirements of the agency

Long term research value *(Historical)*
166-300-0015

Administrative Records

(1) **Administrative Rule Preparation Records** Records document the formulation, development, notice, and filing of an agency’s administrative rules. Administrative rules may be developed through the activities and actions of an agency-appointed advisory committee. Records may include but are not limited to committee minutes and agendas, committee roster, draft rules and work notes, correspondence, copies of administrative orders filed with the Secretary of State (Notice of Proposed Rulemaking, Notice of Proposed Rulemaking Hearing, Statement of Need and Fiscal Impact, Statement of Need and Justification, Certificate and Order for Filing Permanent (or Temporary) Administrative Rules), and public comments and testimony. Administrative rule preparation records must be retained according to this schedule regardless of whether the rule has been renumbered, or repealed and re-adopted under a new rule number. The Secretary of State maintains the statewide record copy of the Oregon Administrative Rules, Oregon Bulletin, and filed administrative orders. (Retention: (a) Retain hearing audio or videotapes: until transcribed or summarized, destroy; (b) Retain all other Administrative Rule records: 10 years after repeal of entire rule, destroy).
Oregon State Archives  
Records Retention Schedule

**Organizational Placement**  
**Agency:** Oregon Health Authority  
**Division:** Public Health  
**Center:** Health Protection  
**Section:** Food, Pool, Lodging Health and Safety  
**Program:** Public Swimming Pool and Spa Pool

**Program Description**  
The Public Swimming Pool and Spa Pool program protects the health and safety of people using public pools and spas. It establishes swimming pool construction standards, conducts plan reviews and construction inspections in direct-service counties, and provides oversight in county health departments that have delegated authority to regulate pools and spas.

The program provides rule interpretation, consultation, and technical assistance to pool designers, installers, operators, and local health departments. It provides training to pool operators and local health department staff. The program publishes newsletters and information items to concerned parties about health and accident risk reduction in public swimming pools.

**Program Records**  
047  **Public Pool Newsletters**  
Retain 5 years, destroy

048  **Public Swimming Pool Accident Reports**  
Retain 10 years, destroy

049  **Public Swimming Pool Advisory Committee Records**  
Retain 4 years, destroy
Filing Systems & Classifications

Don’t just store: Manage
File Structure

HR Administration

Americans with Disabilities Act Records
ADA

Blue Sky Advisory Committee Records
Blue Sky Advisory Committee Records (P)
Blue Sky & Best Practices
Blue Sky Committee Meeting talking points for Jean.doc
ORS 240 Work Group
Performance Management

Criminal Background Check Records
Background Check Forms
criminal background check logs

Employee Personnel Records
Emergency Notification Forms (P)
Employees and Individual Employee Personnel Records –
Current and Past (P&E)
PERF EVAL
Recognized Service Dates
Special Merits
TS Removal
Discipline/Grievance Files (P)
RACF_ID.Temps
RACF_ID-perm-emp.doc
Personnel folder request log.xls
Employee Action
AUDITS.xls

Employee Eligibility Verification Forms (I9)
INS EMPLOY VERIF.DOC

Federal and State Records and Reports
Affirmative Action Records
Equal Employment Opportunity Records
Archived EE Files
FMLA/OFLA
FMLA_OFLA
FMLA_OFLA Files (P)

Internal Audit Reports
HRSD Audits
HRD Policy Audits
MPL Audit
HRD Audits
Policy Audits

Legal Actions
Jones law suit
Smith, R.
Young

Position Description and Reclassification Records
Audits Class Study 05
Classification Files (P)
Class Study
PAS 2.pdf
PAS 3.pdf
POSITION DESCRIPTIONS
RECLASS
Turnover
Window III
Window III & IV
2004 Internal Auditor Salaries.doc

Position Inventory Control System (PICS) Reports
DAS Reports (P)
“Filing System”
Functional Filing Systems

• Fewer categories for ease of use

• Organize by broad functional areas

• Group by retention requirements
  – Folders no longer just “forever” piles

• Records all go into same areas- not personal folders
File Structure Revisited

- **SOS - Human Resources - Administration**
  - **Blue Sky - Retention – 10 years**
  - **Employee Personnel Record**
    - **ADA**
      - Retention – 3 years after separation
    - **Background Check Documentation**
      - Retention – 90 days
  - **FMLA/OFLA**
    - Retention – 10 years after separation
  - **Position Reclassifications - Retention – 5 years**

- **Retention**
  - 5 years
  - 10 years
  - 3 years after separation
  - 90 days
  - 10 years after separation
  - 3 years after hire date
  - 3 years

- **I9s**
  - Retention – 3 years after hire date

- **Personnel Actions**
  - Retention – 10 years after separation

- **Training**
  - Retention – 3 years

- **ADA**
  - Retention – 3 years after separation

- **Background Check Documentation**
  - Retention – 90 days

- **FMLA/OFLA**
  - Retention – 10 years after separation

- **Position Reclassifications**
  - Retention – 5 years
Electronic Records Management Systems
Electronic Records Management System

Records created & received electronically

Records are filed & managed for access, maintenance & destruction electronically

Records created & received in hard copy
Why ERMS?

• Manual RM doesn’t work in electronic world
  – **Too much stuff**
  – No physical reminders
  – Copies abound, not much administration
  – Security a big concern
  – PR requests & e-discovery = time and $ 
  – Files need monitoring to ensure ongoing access
ERMS Benefits

• Government Efficiency
  – Paper and electronic information managed together
  – Dramatic improvements in response time for public records and e-discovery requests = public happier
  – Server space reduction: less unnecessary redundancy
  – IT resources available for other projects
ERMS Benefits

• **Transparency & Accountability**
  – Information is easy to locate and find
  – Rules are consistently applied to all information
  – Security classifications control access
  – Audit trails of all actions taken
  – Information created is systematically and routinely managed and maintained.
ERMS Options

• **Agency standalone system**
  – Must be DoD 5015.2-STD compliant*
  – Different software options, but look closely: Document Management **DOES NOT** equal Records Management

• **Statewide ERMS system**
  – Over 30 state & local agencies implementing
  – Uses HP Records Manager software
  – Agencies pay per user, no hardware or software costs
  – Support provided by State Archives & Chaves Consulting
Email

The 800lb Gorilla
The Problem with Email

• Exploding Volume
• IT policies often control deletion
• Lots of potential public records
• Attached documents may be records as well
• How to schedule?
  – Existing retention schedules apply
  – **Content** of record, not format, important
  – BUT difficult to sort & handle in a practical way
A Practical Approach to Email

• Two lessons learned:
  – Less sorting = greater compliance
  – Email content can be predicted

• How should I retain emails?
  – Routine business correspondence: based on position
    • What does that person touch?
  – Projects, Case files, Contracts: There’s a folder for that!
Tips for Email Management

• Know what **NOT** to keep
  – FYIs, CCs, informational notices
  – ads, listserv messages, event announcements,
  – Personal correspondence
  – Articles, reference materials

• Purge “Deleted Items” folder regularly

• Make useful, specific subject lines
  – Helps for ID, search, retrieval
More Email Tips

• Know who is responsible:
  – Internal email: **Sender**
  – Email from outside source: **Recipient**

• Keep only last message in a string
  – Use **Outlook Clean Up Tool**
    (Outlook 2010 forward)
Social Media and Mobile Tech

New Technology, Same Records
• SM content **CAN** be a Public Record
  – Is it used to conduct agency business?
  – Is the content unique?

• Need to have written policies & procedures
  – Must address **Use, Access, Retention and Ownership**

• Plan for capturing content
  – Built-in mechanisms (Twitter)
  – Capture with software
  – Compose and control locally
Text Messages

• Who holds them?
  – Probably not you

• How long are they retained?
  – Weeks-months, no more

• Must control through policy
  – “Substantive business-related discussions are not to take place via Short Messaging Services (SMS)”

• Can also use installed software on devices
  – Mobile Device Management
Further Advice

• Storage of information ≠ Management of information
• Know and understand the Records Retention Schedule
• Have written policies and procedures that address use, access, retention and ownership of your information
• Administration, Records Management, IT and Legal ALL need to be involved in discussion about new information systems
For More Information

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