

## Local Government Records: Retention, Disposition, and Electronic Records Considerations

**OHIO ASSOCIATION OF PUBLIC TREASURERS** 

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1



## Agenda

- Importance of Records Management
- · Records Inventory and Analysis
- RC-1, RC-2, RC-3 Forms
- Email & Electronic Messages
- File Naming & Organization
- Electronic Record-keeping Systems
- Resources

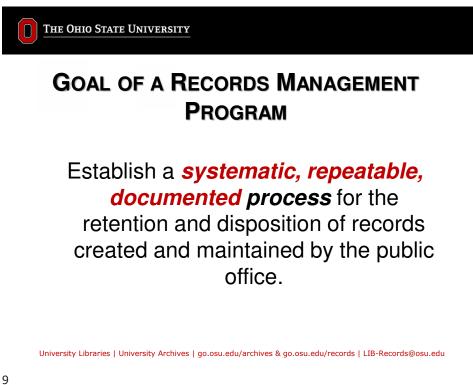






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## **DOCUMENTS FOR COMPLIANCE**

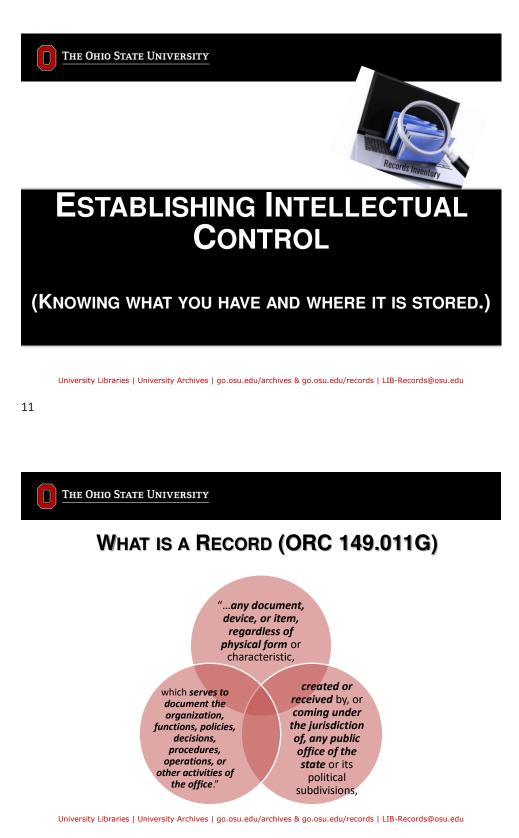
#### **Retention Schedules (RC-2)**

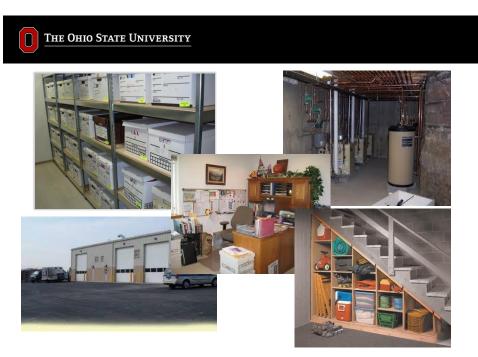
- Lists record series and how long to keep
- Compliance It's the Law!
- Provides for ongoing records disposal
- Prevents build-up of unnecessary record
  - Saving space
  - Improving efficiency
- Legal Asset
- Negotiate public records requests
- List of records kept by office
- Create schedule for someone who has no knowledge of the records

- **Records Disposal Documentation (RC-3)** 
  - Administrative
    - Your unit knows whether the records still exist or not
  - Legal
    - Proof that you complied with retention schedules Shows the authority by which records w disposed
      - priate amount of time had pass
      - Shows the approprior to dispositio E-Discovery
      - Demonstrates consistent business practice

#### Additional Documentation

- Records Management policy
- Incorporation of records
- management in other policies Litigation hold policies
- Written procedures





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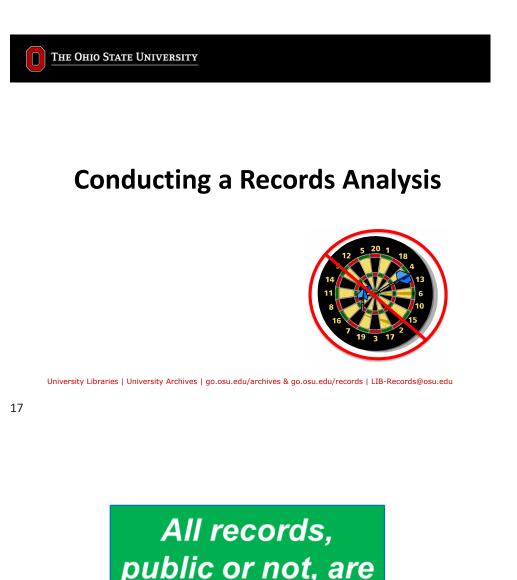


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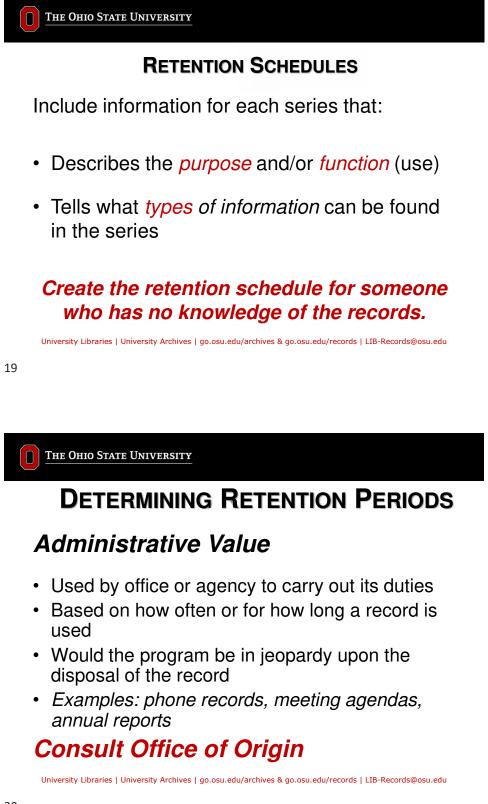
## ACTIVITY - WHERE ARE THE RECORDS?

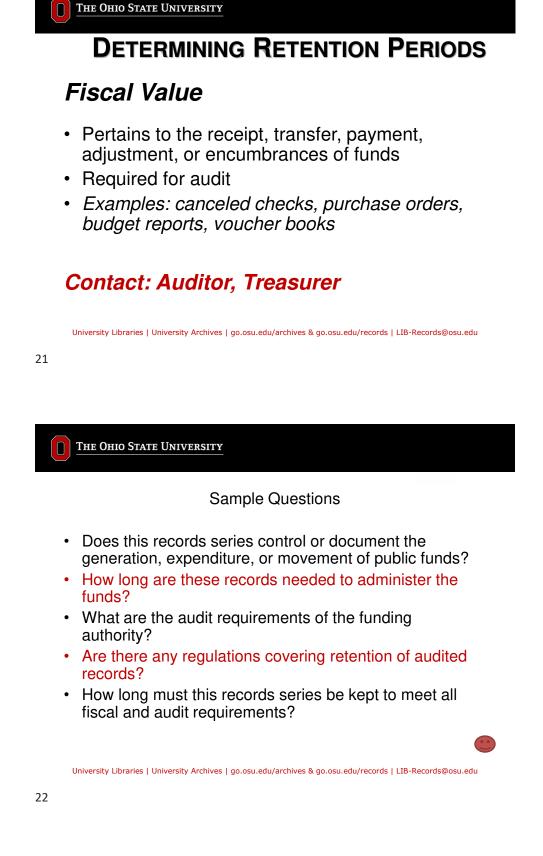
Hardcopy	Electronic	Other Media
<ul><li>Paper</li><li>Bound</li></ul>	<ul><li>Storage Media</li><li>Systems</li></ul>	<ul><li>Film</li><li>Cassettes</li><li>Blueprints</li></ul>



All records, <u>public or not</u>, are subject to records management and retention laws.

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## Legal Value

- Documents or protects rights or obligations of citizens or of the agency that created it
- · Retain until legal rights and obligations expire
- Examples: contracts, opinions, case files, deeds, birth/death/marriage certificates

## Contact: Prosecutor/Legal Counsel

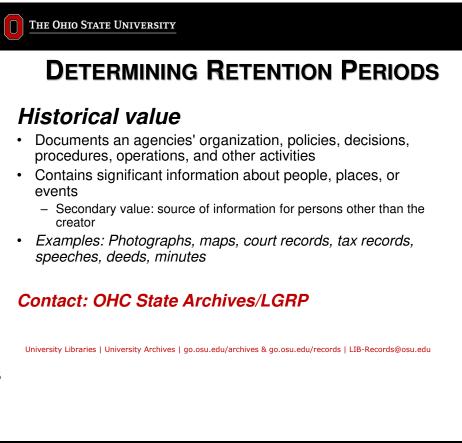
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23

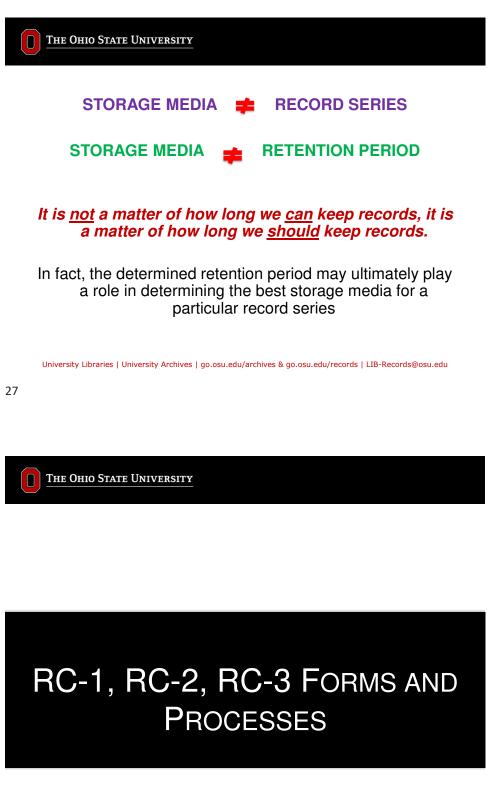
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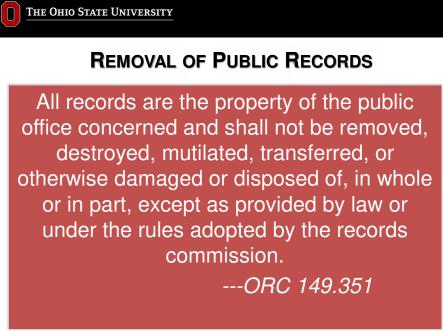
#### Sample Questions

- · Does this records series prove the state agency's claim to property?
- Is this records series necessary for the state to prosecute or defend against an action?
- Is this records series necessary to protect the rights of citizens?
- Are these records of state licenses or regulations? How long are these licenses or regulations valid?
- Are there federal or state regulations mandating a minimum retention period for this records series?
- How long must this series be kept to meet all legal retention requirements?
  - How long is this series necessary to protect or defend agency or client rights?
- Be sure not to equate "case file" with "research file"
  - Knowing that a case file may become valuable reference material in the future should not affect the retention period for a series' *legal* value

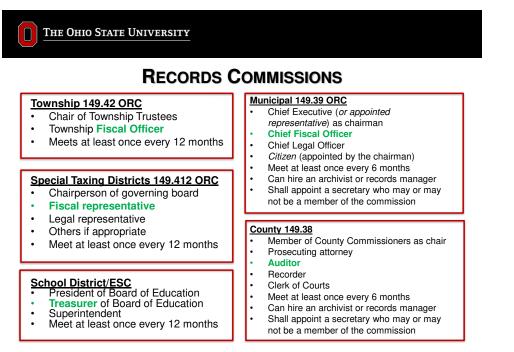


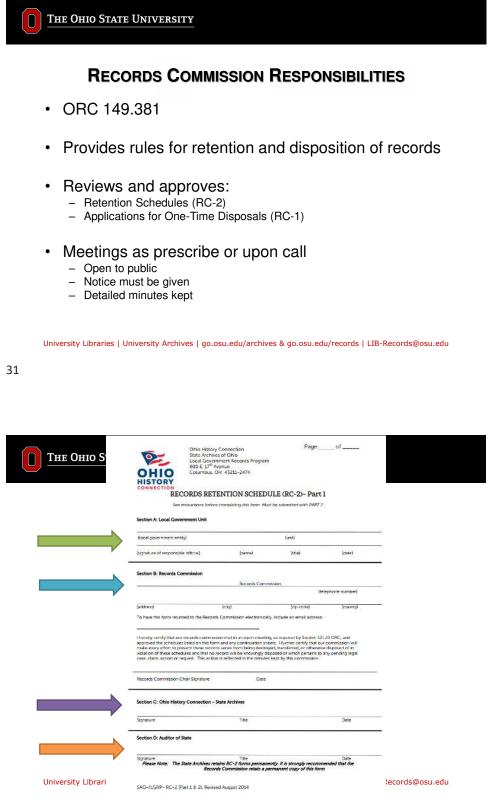


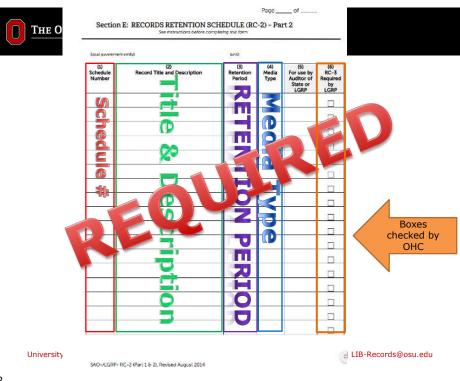




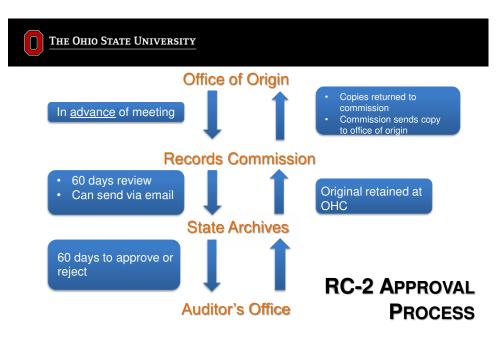
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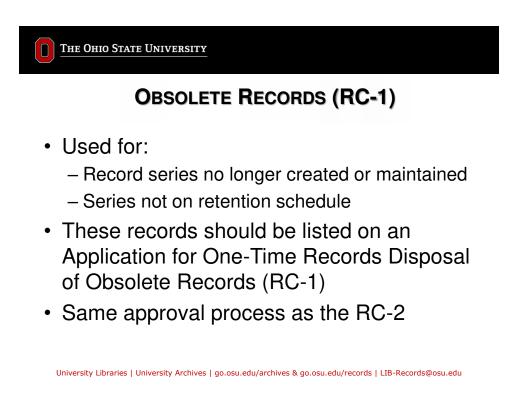






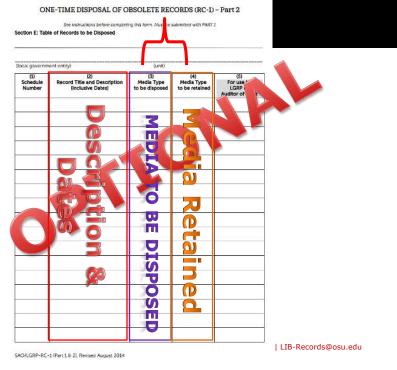
O	nio Village, Village of	General Rec	ords/Village W	/ide	
(loc	al government entity)	(unit)			
	Please Note: The State Archives retains RC-2	forms permanently. It is	s strongly recom	mended that the	
(1)	Records Comm (2)	ission retain a permaner (3)	(4)	(5)	(6)
Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or LGRP	RC-3 Required by LGRP
Gen-001	Agendas Records documenting items to be discussed during a meeting	1 year	Paper/ Electronic		
Gen-002	Awards Certificates and awards given to municipal departments, divisions, and/or officials	Until no longer of administrative value	Paper/ Electronic		
Gen-003	Bids (Successful) Records documenting the publicizing, hearing and awarding of quoted bids to vendors for services and/or merchandise, including request for proposal, invitation to bid, requests for qualifications and statement of qualifications	8 years after expiration of contract (ORC 2305.06)	Paper		
6en-004	Bids (Unsuccessful) Records documenting the publicizing and hearing of quoted bids to vendors for services and/or merchandise not selected, including request for proposal, invitation to bid, requests for qualifications and statement of qualifications	2 years	Paper		
Gen-005	Blank Forms Unused forms that are either obsolete and/or superseded	Until obsolete or superseded	Paper/ Electronic		
Gen-006	Bulletins, Posters, Notices and Displays Announcements and informational notices related to municipal functions	Until no longer of administrative value	Paper		
Gen-007	Calendar (Desk/Appointment) Calendars used to track meetings and events in conjunction with job functions	Until no longer of administrative value	Paper/ Electronic		
Sen-008	Contracts & Agreements Legal agreements with individuals, organization or entities to procure goods and/or services	8 years after expiration (ORC 2305.06)	Paper		





	CONNECTION ONE-TIME DISPO	IN 43211-2474	TE RECORDS (RC		ā
	Section A: Local Government Unit				
	(local government entity)		(unit)		
r i	(signature of responsible official)	(namo)	(litte)	(date)	
	Section B: Records Commission				
		Records Commi		ephone number)	
	(address) To have this form returned to the Records	Toty) Commission electronically	(rip code) . include an email address	(county)	
	I hereby certify that our records commissi- schedules listed on this form and any com- present these records series. Here here do that no record will be knewingly disposed reflected in the minutes kept by this comm	linuation sheets. I further classroyed, transformed, or oth of which pertains to any pe	entify that our commission s service disposed of in violat	will make every effort to ion of these schedules and	
	schedules listed on this form and any com prevent these records series from being de that no record will be knowingly disposed	linuation sheets. I further classroyed, transformed, or oth of which pertains to any pe	entify that our commission s service disposed of in violat	will make every effort to ion of these schedules and	
	schedules lated on this form and any com present these records series from being d that no record will be knowingly disposed reflected in the minutes kept by this comm	insution sheets. I further of scrouted, transformed, or oth of which pertains to any per- rission. Date	entify that our commission s service disposed of in violat	will make every effort to ion of these schedules and	
	scheidules laked on this form and any com prevent these records scients form being d- that no record will be knowingly allowed reflected in the minutes kept by this comm Records Commission Chair Signature	insution sheets. I further of scrouted, transformed, or oth of which pertains to any per- rission. Date	entify that our commission s service disposed of in violat	will make every effort to ion of these schedules and	
	schedulise lated on this form and any com prevent lines receils varies from terry di that no rescent will be innership? allowed reflected in the minutes lead by this com Records Commission Chair Signature Section C: Ohio History Connection - S	irination dweis. Harther of scronget, transformed or oit of which pertains to any pe rission. Date tase Archives	entify that our commission s service disposed of in violat	vil make wwy elfortso on of these schedules and on or request. This action is	





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ONE	-TIME DISPOSAL OF OB	SOLETE REC	ORDS (RC-1) -	Part 2
	See instructions before completing	g this form. Must be su	ibmitted with PART 1	
Section E: Table	of Records to be Disposed			
Ohio Village, Vill	age of	Council		
(local governmen	t entity)	(unit)		
		10		
(1)	(2)	(3)	(4)	(5)
Schedule Number	Record Title and Description (Inclusive Dates)	Media Type to be disposed	Media Type to be retained	For use by LGRP or
Number	(inclusive Dates)	to be disposed	to be retained	Auditor of State
16-01	Jan 1972-Dec 1980 Mayor's	Paper	Microfilm	
	Court Correspondence			
	(Mayor's Court no longer in			
	existence), 1 box	_		
16-02	Jan 1942- Aug 1945 Civilian	N/A	Proposed for	
16-02	Jan 1942- Aug 1945 Civilian War Assistance Records, 2	N/A	transfer to Ohio	
16-02	Jan 1942- Aug 1945 Civilian	N/A	ransfer to Ohio Village	
16-02	Jan 1942- Aug 1945 Civilian War Assistance Records, 2	N/A	transfer to Ohio	

39

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- RC-2 (Retention Schedule)
  - Mandatory
    - ORC 149.43(B)(2)
  - Ongoing disposal
  - NO Dates, instead retention period
  - One RC-2 to many RC-3s

- RC-1 (One-Time)
  - Optional, only if needed
    - If records are NOT on RC-2
  - Only good for 1 disposal of the specific records listed
  - Must include DATES
  - No RC-3 needed

#### The one similarity...the approval process.

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OHIO HISTORY	Ohio History Connect State Archives of Ohio Local Government Record 800 E. 17 <sup>th</sup> Avenue Columbus, Ohio 43211-2474	s Program	For State Archives – LGRP Date Received: Date Reviewed: Items requested for transfer: YES If YES, attach copy of transfer form			
	CERTIFIC	CATE OF RECORDS DISPO	OSAL (RC-3) - Part 1			
	See instructi	ons before completing this form. Mu	t be submitted with PART 2			
(local government ent	ity) (unit)	(contact person)	(telephone number)	(location of records)		
(address)	(city)	(zip code)	(county)	(date mailed to LGRP)		
hereby certify that the	(RC-2) listed below. No rec ated in place of any original	and attachments are being disposed ord will be knowingly disposed of whi record listed on this RC-3 will be stor is a responsibility of the local govern	ch pertains to any pending legal ed according to ANSI Standards	case, claim, action or request. In and all microfilm master		
Retention Schedules addition, microfilm cre negatives will only be u						
Retention Schedules	ormat.	(	itle) (telephon	e number)		
Retention Schedules addition, microfilm cre- negatives will only be u- retained in electronic f (signature of responsib	ormat. le official)	(	itle) (telephon	e number)		

(political subdivision	name)				(unit)		
(1) Records Series Title	Author	(2) ization for	(3) Media Type	(4) Media Type	(5) Inclusive Dates of	(6) Proposed date of destruction	(7) For LGRP us
	Schedule Number	Date the RC- 2 was approved by the Records Commission	To be destroyed	To be retained (if any)	Records From To	destruction (15 business days from receipt by LGRP)	
T	his						
inforr	nati	on					
	mes						
direct	ly fr	om					
direct your	RC-	2					

SAO/LGRP-RC3 (Part 1 & 2), Revised August 2014

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Ohio Villa	ige, Villag	e of		Humar	n Resources		
(political subdivision	name)						
		(2) rization for isposal	(3) Media Type To be destroyed	(4) Media Type To be retained	(5) Inclusive Dates of Records	(6) Proposed date of destruction	(7) For LGRP use
	Schedule Number	Date the RC- 2 was approved by the Records Commission		(if any)	From To	(15 business days from receipt by LGRP)	
Applications for employment (not hired)	HR-11	7/28/2008	Paper	N/A	1/1/2013- 12/31/2013	5/18/2016	
Worker's Compensation Case Files	HR-28	7/28/2008	Paper	Electronic	1/1/2012- 12/31/2012	5/18/2016	
Employee Time Cards	HR-14	7/28/2008	Paper	N/A	1/1/2012- 12/31/2012	5/18/2016	
Employee Manual	HR-34	7/28/2008	None	Paper	1951	Proposed transfer to Ohio Village Historical Society pending review	

SAO/LGRP-RC3 (Part 1 & 2), Revised August 2014

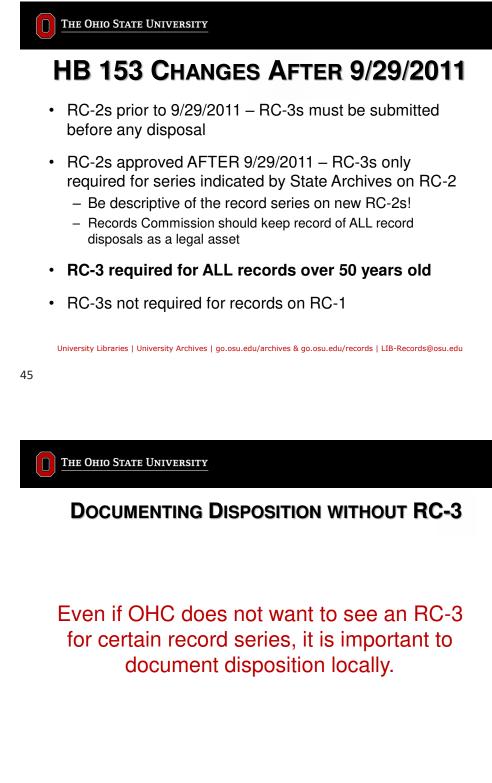
43

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#### **CERTIFICATE OF RECORDS DISPOSAL (RC-3)**

- Submit original to Records Commission, which will submit it to OHC.
  - Keep copy in your department files
  - Can now be submitted via email provided OHS can add electronic dates and comments
- If there are records OHC wants to select for archival storage, they will contact you prior to the proposed date of disposal
- If there are not records OHC wants to select, you will not be contacted or receive a copy of the form back

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**RECORDS DISPOSITION** 

Imagine that you need to find your winter boots or your child's baseball glove in this closet.

- It'll take a lot of time
- More closet space is just more space to clutter

The more stuff jammed into this closet, the harder it is to find what you need when you need it.

A more efficient approach is to remove the things that are no longer needed – like the now-adult daughter's elementary school winter coat and the long-unused hats and sports equipment.

Our records storage spaces, physical and virtual, are no different than this closet.

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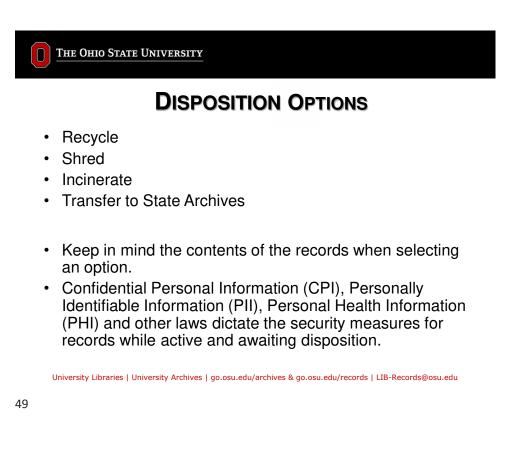


## **RECORD DISPOSALS**

- Not just when you have to
- · Dispose at regular intervals



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#### **IMPORTANCE OF DOCUMENTING DISPOSITION**

- Administrative
  - Your unit knows whether the records still exist or not
- Legal
  - Proof that OSU complied with retention schedules
    - Shows the authority by which records were disposed
    - Shows the appropriate amount of time had passed prior to disposition
  - E-Discovery
    - · Demonstrates consistent business practice

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# For More Information:

Ohio History Connection – State Archives 614-297-2553 localrecs@ohiohistory.org www.ohiohistory.org/lgr

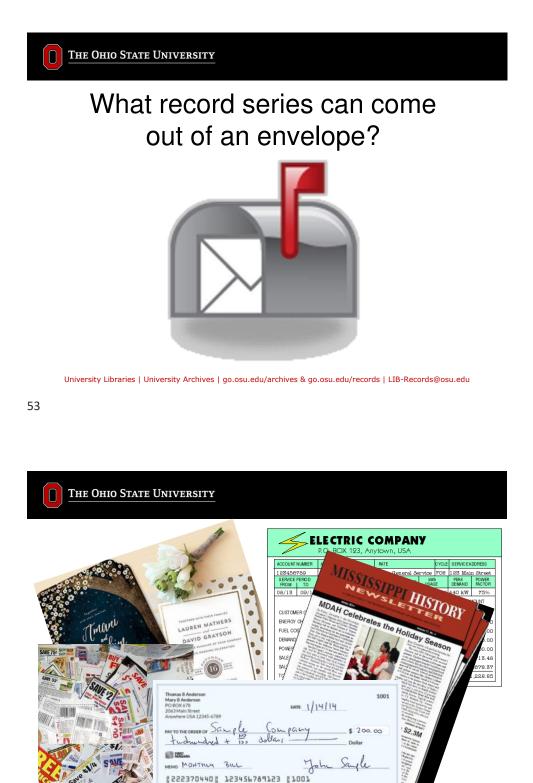
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51

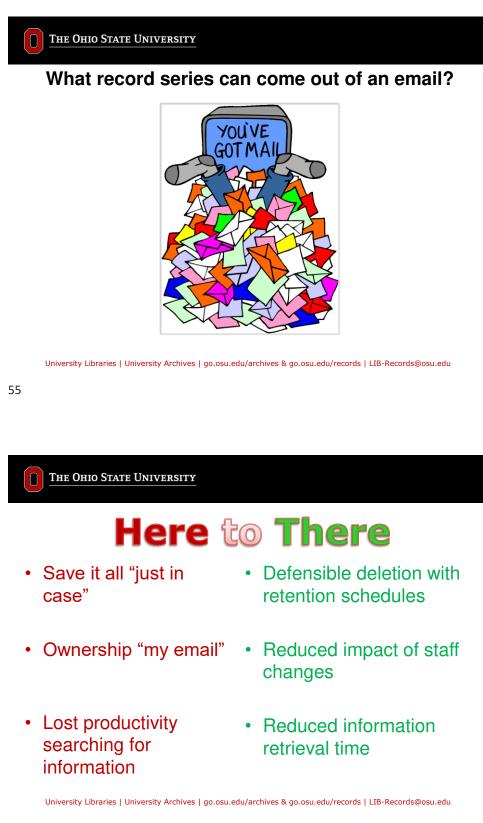
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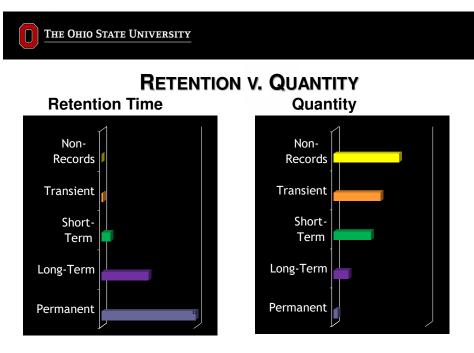
# EMAIL AND ELECTRONIC MESSAGE MANAGEMENT

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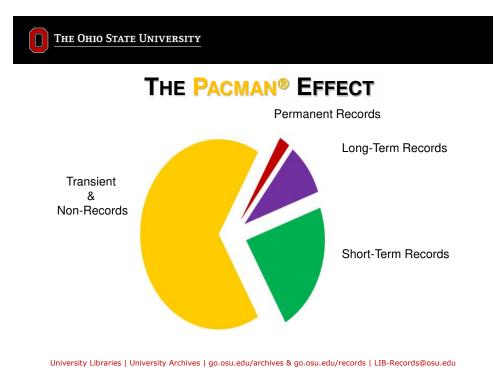


50





57



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### **TRANSIENT RECORDS**

Non-substantive records of limited administrative value serving to convey information of temporary importance, sometimes in lieu of oral communication. They do not set policy, establish guidelines or procedures, certify a transaction, or serve as evidence or a receipt. Examples include drafts, notes, copies (not the official record), scheduling communications, and voicemail and telephone messages.

- Temporary usefulness
- Not an integral part of a department's records series
- Not regularly filed in a department's recordkeeping system
- Only required for a limited period of time for the completion of an action or in preparation of an on-going record series
- Not essential to the fulfillment of a statutory obligation or the department's functions

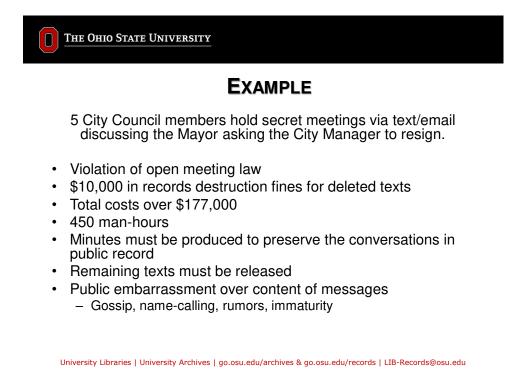
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59

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# Can Texts and IMs be records too?

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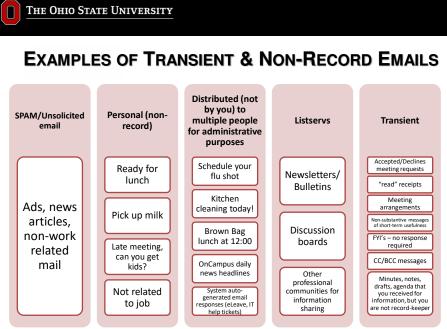
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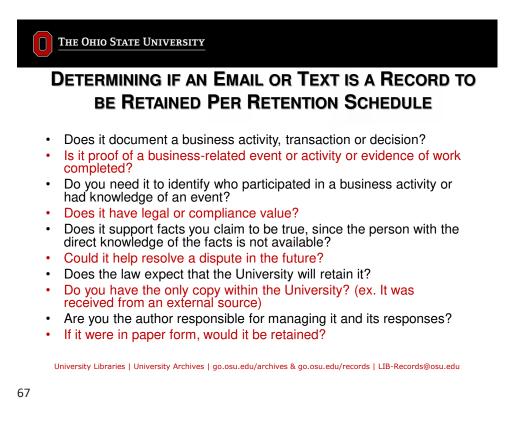


Be a proactive manager of your inbox and sent mail and reap the benefits of efficiency in numerous other areas of your daily work.

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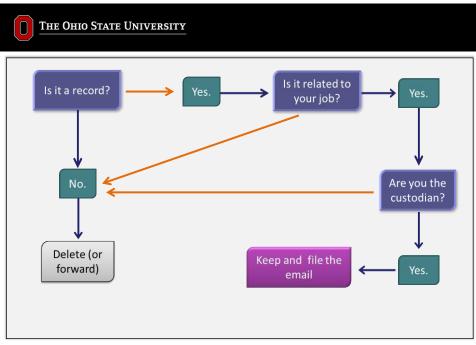
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#### **IDENTIFYING THE OFFICIAL COPY**

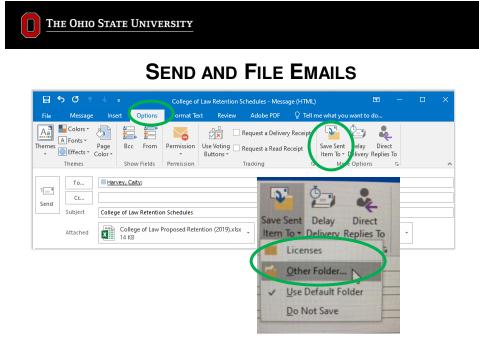
- Custodian: Person who has official copy to be maintained for duration of retention period
- Sender typically has the official copy

   Filing your "sent" messages is important!
- · Recipient can have official copy if:
  - Email received from external source
  - Needed to take action based on message
  - Required for documentation of an action

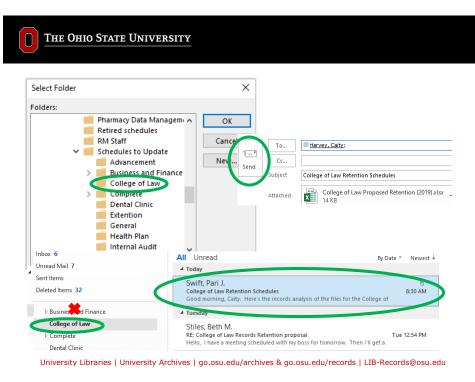
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#### **EMAIL THREADS**

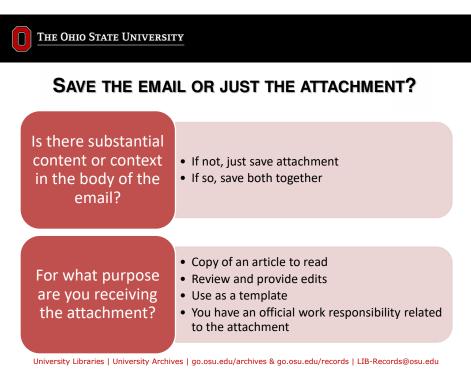
## Keep all emails or just the last one? ALL

- · Someone doesn't reply all
- Off topic
- · Someone responds to earlier email
- · Ability to edit
- · Retain attachments

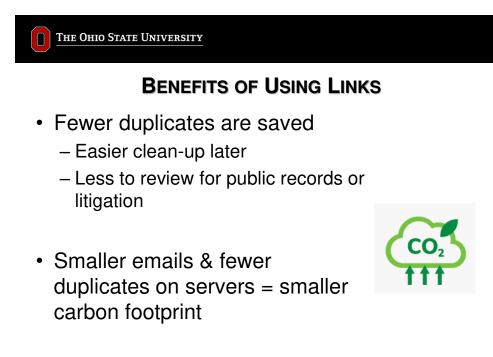
#### Last

- If it's not needed as evidence
- Transient

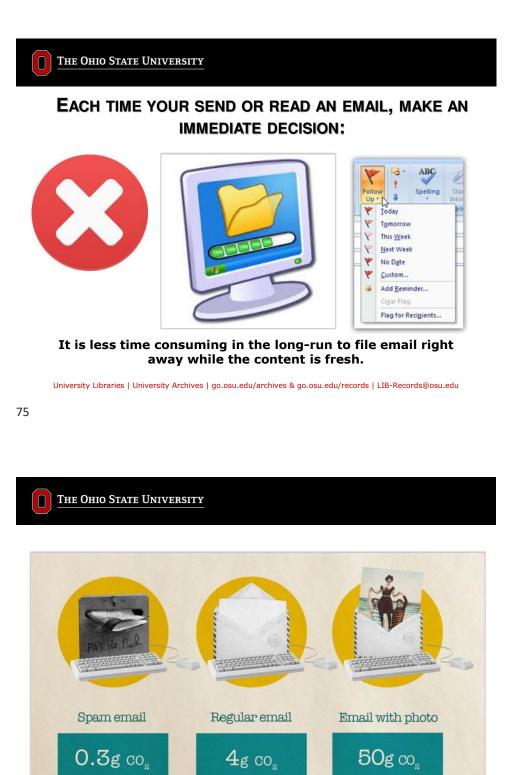
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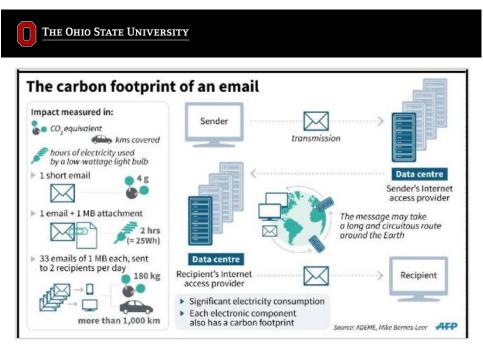


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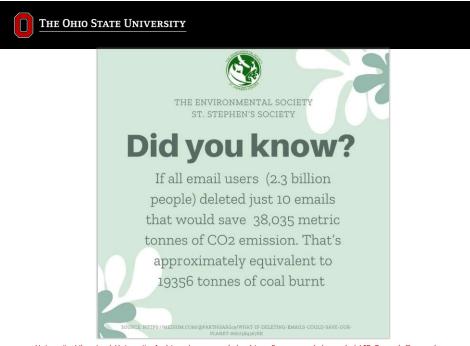


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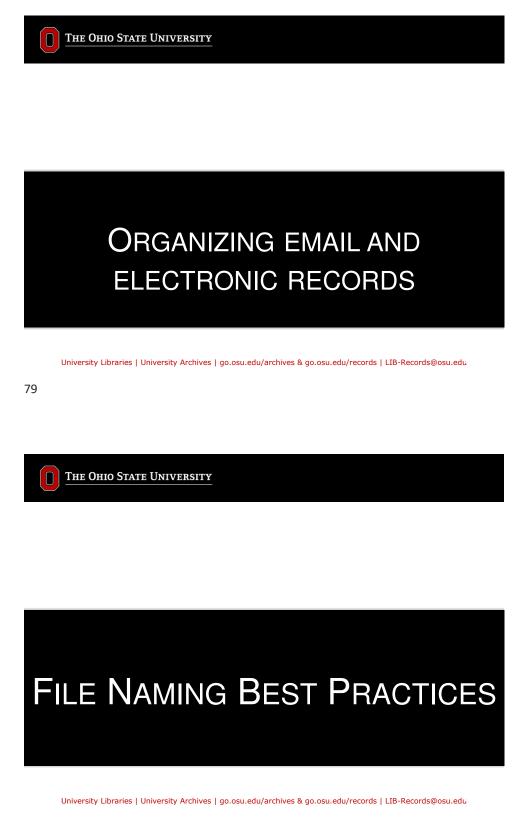




77



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#### FILE NAME FACE-OFF

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# NAMING DOCUMENTS - WHAT'S IN A NAME

- What is it? •
  - Type of document (not file type, ex. not Doc, PPT, PDF, JPG) •
- Who/what does it represent? •
  - Group •
  - Unit ٠
  - Person
  - Case/Project
- When?
  - Date of meeting



Minutes\_Exec\_Committee.docx

Minutes\_Exec\_Committee\_20191021.docx [When] [Who] [What]

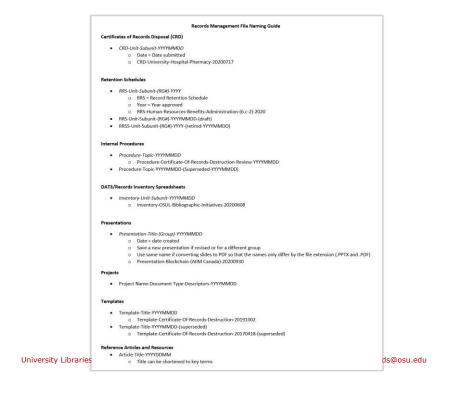
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# **UNIFIED NAMING CONVENTIONS**

- Standardizing your own approach to file naming is a start
- A unified departmental approach is the next step
  - Small working group
  - Consider records that multiple people create/receive
  - For each type of record, think about how it makes sense to have results sort
  - Document the naming convention
- Standardized filing structure

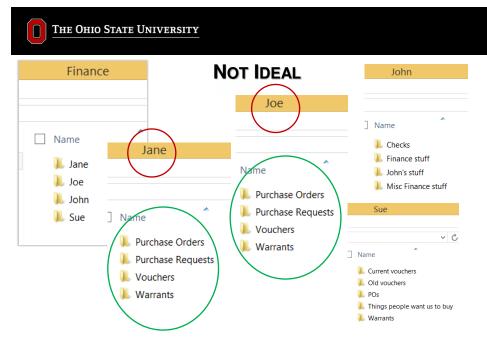
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83





85



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#### **UNSTRUCTURED STORAGE**

Can contain important documents & records

But is intermingled with useless information

- Duplicates
- Non-Records
- Records past retention time

Generally lacks standard naming conventions

Ownership is unclear

Terminated/transferred employees

• Nobody wants to take responsibility for remaining records

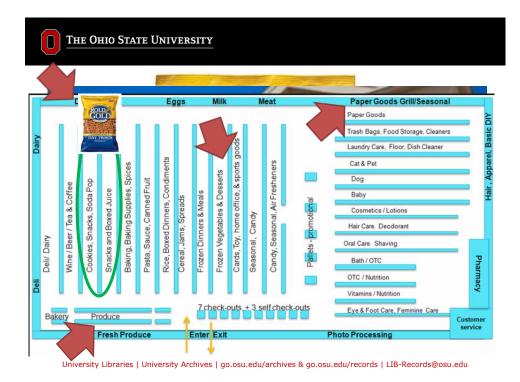
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**CLEAN UP UNNECESSARY COPIES** 

87

#### Copies of records officially stored Superseded/Drafts Non-Records elsewhere • Ex. Minutes and • Draft documents Outdated agendas that have been articles/resources superseded by (reference, not others can be produced by the city) deleted per the • External, non-work Transient record collaborations such series on the as professional government's associations **Retention Schedule** • Flyers for events such as birthday, baby shower or retirement parties

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89

### WHY IMPLEMENT FILE STRUCTURE?

# Creating a consistent file structure for your <u>department/unit</u> will:

- · Make content organized an accessible
- · Reduce time spent looking for records
- Eliminate unnecessary duplication
- · Decrease security risk and liability
- Enable you to easily dispose once retention has been met
- Dispose by folder instead of individual files
- No clicking and rereading

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# WHO SHOULD ADHERE TO THE FILE STRUCTURE?

Everyone! You are the custodian of your records.

Filing structures should be consistent and easy to understand for:

- You
- Your colleagues and collaborators
- · Future staff who may inherit your files

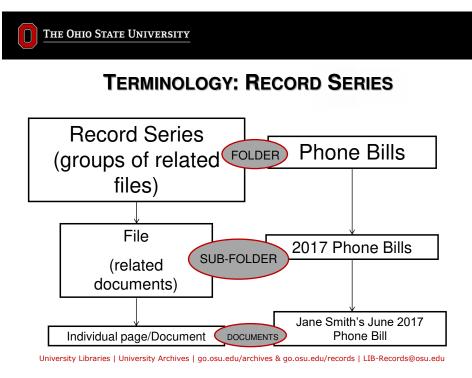
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91

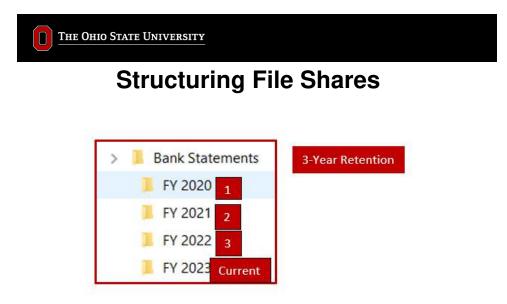
## **TIPS FOR SHARED FILE STRUCTURES**

- Create a single set of folders by record series
  - Everyone needing access uses this same set of folders
- Use subfolders for further organization
  - Active/Inactive, Open/Closed
  - Year Closed, Calendar Year, Fiscal Year
- Avoid the following folder names:
  - Employee names (unless you are HR)
  - Misc., General, Stuff

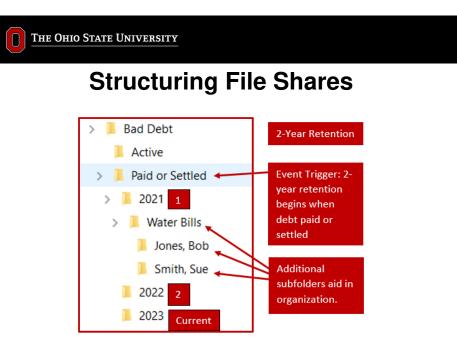
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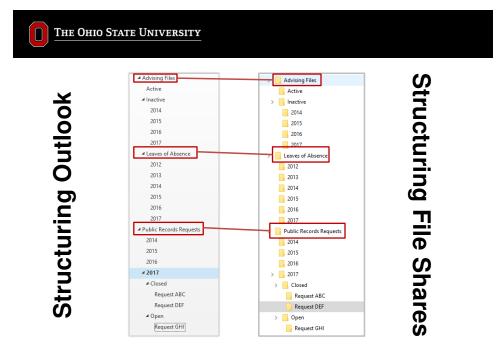
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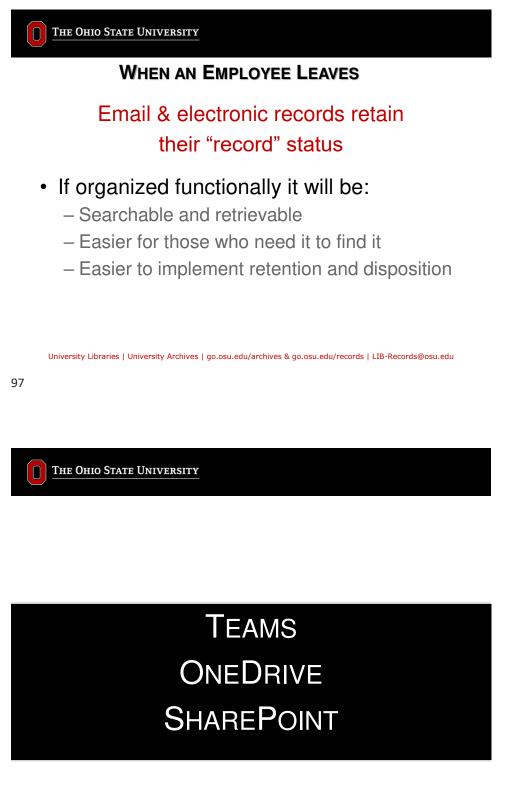
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95



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# For the moment, retention and disposition is probably manual Create a Team or Channel w/in a Team • Folder structures therein • Sync's to SharePoint Use Teams or OneDrive Use Teams or OneDrive

Single/One-Off<br/>Project or<br/>ongoing GroupOneDrive<br/>Teams =<br/>Collaboration<br/>• OneDrive =<br/>Individual/Non-Who needs<br/>access? Now?<br/>Future?

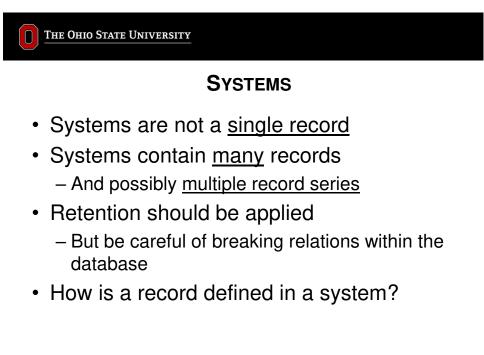
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99

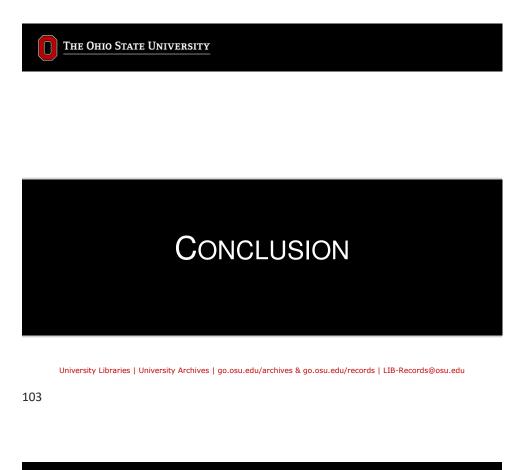
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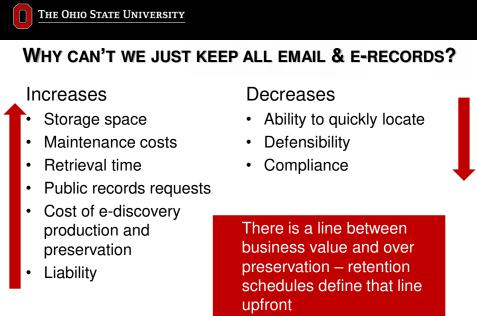


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105

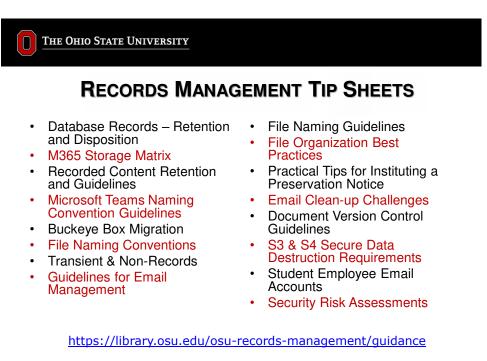
# Social Media: The Records Management Challenge

Online, Interactive Training Module (2020)

http://go.osu.edu/ohioerc-socialmedia



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107

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