Records Management – Records Retention & Disposition

SESSION 3 OF 6 ON RECORDS MANAGEMENT
Presenter(s)

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Arizona Secretary of State

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Archives and Records Management Branch
Arizona Secretary of State
www.azlibrary.gov/records

Records Management

RECORDS MANAGEMENT

Records Center Services
Retention Schedules

BRANCHES

Archives
Arizona Capitol Museum
Arizona Talking Book Library
E-Rate
Library Development
Records Management
  Preservation Imaging
  Records Center Services
  Retention Schedules, Forms, Standards, Guidance and FAQs
State of Arizona Research Library

WE'RE HERE TO HELP
Records Management Center
1919 W. Jefferson St.
Phoenix, AZ 85009

General Information
Phone: 602-926-3815
Email:

records@azlibrary.gov
Records Retention & Disposition

Today’s session discusses the creation, interpretation, modification and use of records retention and disposition schedules. An examination of record series, retention periods, historical records, confidentiality, and record series “cutoffs” are included, along with procedures for destroying records.
ARS 41-151.01. Arizona state library, archives and public records

B. The state library shall:
2. Provide the following:
   (a) A general and legal reference service.
   (b) A records management and archives program.
   (c) A state and federal government documents depository program.
   (d) A library development service.
   (e) Museums for educational purposes as approved by the secretary of state.
   (f) A service, including materials, for persons who are visually or physically unable to use traditional print materials.
What is **not** a record?

The definition of a record does **not** include:

| Convenience/Reference Copies | Stocks of publications or documents intended for sale or distribution to interested persons | Library or museum materials |

§ 41-151.18. Definition of records
What is a Record?

- “All books, paper, maps, photographs and other documentary materials.
- Regardless of physical form of characteristics
- Made or received by any government agency
- As evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government…”

§ 41-151.18. Definition of records
41-151.14. State and local public records management; violation; classification; definition

D. "records management" means the creation and implementation of systematic controls for records and information activities from the point where they are created or received through final disposition or archival retention, including distribution, use, storage, retrieval, protection and preservation.
Records Management . . .

. . . is a program designed to help you by having the right information at the right time at the right place for the right price.
<table>
<thead>
<tr>
<th>Benefits of Records Management</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Financial Benefits</strong></td>
</tr>
<tr>
<td>- Save money and resources previously being spent on storing records (physical floor space, server space, off-site storage):</td>
</tr>
<tr>
<td>That don’t need to be stored (copies, short-term, transitory, etc.)</td>
</tr>
<tr>
<td>That have passed their retention period - and can be destroyed</td>
</tr>
<tr>
<td><strong>Increase Efficiency</strong></td>
</tr>
<tr>
<td>- Spent in searching for, retrieving, copying, producing or redacting records in response to requests</td>
</tr>
<tr>
<td><strong>Risk Management</strong></td>
</tr>
<tr>
<td>- If you have the information, you need to provide it for Public Records Request, Audit, Investigation, Litigation</td>
</tr>
<tr>
<td>- If you don’t have the information because you destroyed it per a Retention Schedule, you are legally OK.</td>
</tr>
</tbody>
</table>
What are our **Records Management Responsibilities** as Custodians of Records?

- Retention for **A SPECIFIC** time period per an approved Retention Schedule (General or Custom)

- Preservation of Records in our custody:
  - from deterioration, mutilation, loss or destruction
  - In case of damage, **cause them to be properly repaired and renovated**.
  - Security of information while in our custody
Who is your Records Officer?

- State and Local Agencies need to reconfirm the identity of their Records Officer every 5 years
- Records Officer acts as coordinator and liaison for the agency with the LAPR.

ARS §41-151.14
Two Records Management “Self-Evident” Truths

As long as you are required to retain / keep / hold onto records:

- Those records need to be useable and readable
  - Obsolete media, format, system
  - Back-up tapes that cannot be read

- Those records need to be available and accessible
  - Open to PRR, litigation, audits, government investigations
  - No hidden data warehouses / data archives

These images were scanned from photographs and written to a “archival” CD 5 years ago.
41-151.12. Records; records management; powers and duties of director; fees; records services fund

3. Establish standards and procedures for the preparation of schedules providing for the retention of records of continuing value and for the prompt and orderly disposal of records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping.

https://www.azlibrary.gov/arm/retention-schedules
Two types of retention schedules

**General Records Retention Schedules**
- General schedules are comprised of record series that are **common to all** State and Local Agencies (public bodies).
- The general retention schedules ensure consistent and standardized **retention periods** for similar record series from various agencies.

**Custom Records Retention Schedules**
- Custom Schedules are created for one specific public body, and covers records series that are unique to that particular public body.

Why we revise / update retention Schedules

- Statutory requirements
- Series overlooked in inventory
- Series resulting from new programs or responsibilities
- Inadequate retention periods - increase or decrease
- Lack of clarity in the records series or the retention period

General Records Retention Schedule Issued to:
All Arizona Counties
Assessor Records

<table>
<thead>
<tr>
<th>Record Series Number</th>
<th>Record Series Title</th>
<th>Retention Period</th>
<th>Retention Remark</th>
<th>Legal Citation(s)</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>20034</td>
<td>Assessor Database Records, Temporary Records, Denied exemptions</td>
<td>1 Year</td>
<td>After calendar year derived</td>
<td></td>
<td>7/25/2011</td>
</tr>
<tr>
<td>20035</td>
<td>Assessor Database Records, Temporary Records, Senior freeze applications</td>
<td></td>
<td>After property sold or transferred</td>
<td></td>
<td>7/25/2011</td>
</tr>
<tr>
<td>20038</td>
<td>Affidavits of Affixture</td>
<td>4 Years</td>
<td>After calendar year received</td>
<td></td>
<td>7/25/2011</td>
</tr>
<tr>
<td>20039</td>
<td>Affidavits of Primary Residence</td>
<td>4 Years</td>
<td>After calendar year received</td>
<td></td>
<td>7/25/2011</td>
</tr>
</tbody>
</table>
3 Main Parts of a Retention Schedule

- **Record Series number, Title and description of the record series**

- **Retention Period** –
  - State the specific minimum length of time each record series needs to be kept

- **Retention Remark/Legal Citation:**
  - May Provide Instructions for cutoff, retirement and / or final disposition of the records series

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<tbody>
<tr>
<td>10267</td>
<td>Administrative Orders, Board Orders, Directives, General Orders and Mission Statements Does not include office, internal, administrative or procedure records.</td>
<td>Permanent</td>
<td>Retains per Arizona Standards for Permanent Records or transfer to State Archives when administrative value has been served.</td>
<td></td>
<td>12/29/2015</td>
</tr>
<tr>
<td>10268</td>
<td>Advertisement Records Placed by the public body in publications, websites or other means of communicating with the public.</td>
<td>3 Years</td>
<td>After calendar year created.</td>
<td></td>
<td>12/29/2015</td>
</tr>
<tr>
<td>10270</td>
<td>Annual Reports These are usually lengthy reports issued yearly by a public body, giving an account of its internal workings and especially its finances.</td>
<td>10 Years</td>
<td>After calendar year report issued/achieved. If you are a State Agency, please send two (2) paper copies to the following address: Library, Archives and Public Records, State Library of Arizona, Attn: State Docs, 1700 W Washington St #300, Phoenix, AZ 85007. And send electronic copy to <a href="mailto:records@azsara.gov">records@azsara.gov</a>. If you are a Local Agency, please send one (1) hard copy to the following address: Arizona State Archives, Attn: Arizona Collector, 1901 W. Madison St., Phoenix, AZ 85009</td>
<td>APS 41-151.08</td>
<td>12/29/2015</td>
</tr>
</tbody>
</table>
Retention Schedules

Retention Schedule –
- Are simply **timetables**, composed of records series and retention periods, that identify the length of time records **must be kept prior** to final disposition (destruction or historical archiving).

Records Series –
- A group of like records that are filed together and treated as a unit for records management purposes.

Retention Period –
- The approved, legal, minimum amount of time each specific records series **shall** be kept. It is **illegal** to keep a records series for LESS than the retention period

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<td>ARS 43-151.08</td>
<td>12/29/2015</td>
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Four Values of Records

- **Legal**
  - Retention periods are among the longest for these records

- **Fiscal**
  - Retention is often based on audit cycles

- **Administrative**
  - Retention is often open-ended based upon agency need or reference value for these records

- **Historical**
  - These are the only records that have a PERMANENT retention period. Permanent records = 500 + years of retention
If a record is **historic or historically significant**, it is a permanent record. Records are deemed **historic or historically significant** when they:

- Document a **controversial issue**
- Document a program, project, event or issue that results in a **significant change** that affects the local community, city, county or state
- Document a program, project, event or issue that **involves prominent people, places or events**
- Document a program, project, event or issue that resulted in **media attention** locally, statewide or nationally
Records with administrative value are those records that are needed to conduct an office’s daily business. These records are common across all types of offices and public bodies.

Examples of Records with Administrative Value:
- Procedure manuals
- Retention schedule
- Memos
- Reports
Legal Value

Specific legal requirements to keep records for a given period of time can be found in the Arizona Revised Statutes (ARS), United States Code (USC), and Code of Federal Regulations (CFR).

Examples of Records with Legal Value:

- Contracts
- Agreements
- Federal or state statutory or regulatory requirements
Fiscal Value

Sometimes a record may be needed to document the audit trail of monies. These requirements may or may not be legislated or regulated.

Examples of Records with Fiscal Value:
- Budget records
- Expenditure ledgers
- Credit card reports
Setting a Cut-off Point

- It is the point from which retention periods are calculated. Often called the “trigger” for when retention begins.

- It is also the basis upon which records are transferred to inactive storage. (Move from Active to Inactive records)

- Two of the more common cut-off points
  - **Time based**: such as "after the calendar year (CY) received" or "after the fiscal year (FY) created."
  - **Event based**: such as "after project is closed" or "after date of termination of employment"
Non-Permanent Records and Imaging

- The majority of records fall into this category.
- Public agencies looking to image should consider the required retention period of a records series before pursuing a scanning project.
- Ex: Records with a retention period less than 3 years may not be worth scanning.
Each agency of this state or any of its political subdivisions may implement a program for the production or reproduction by...digital imaging ...and index such records for convenient reference.

The agency, before the institution of any such program of production or reproduction, shall obtain approval from the director (...)

On approval from the director, the source documents may be destroyed...
39-101. Permanent public records; quality; storage; violation; classification

- A. Permanent public records of the state, a county, city or town, or other political subdivision of the state, shall be transcribed or kept on paper or other material which is of durable or permanent quality and which conforms to standards established by the director of the Arizona state library, archives and public records.

- B. Permanent public records transcribed or kept as provided in subsection A shall be stored and maintained according to standards for the storage of permanent public records established by the director of the Arizona state library, archives and public records.

- C. A public officer charged with transcribing or keeping such public records who violates this section is guilty of a class 2 misdemeanor.
Born Digital Records

- Denoting texts or recordings produced in digital form, rather than having been converted from print or analogue equivalents.
Don’t tackle big data by yourself. Always contact IT. They will have better solutions and can use big data opportunities to grow and develop their IT department.
Records shall not be destroyed without...

- **Remember**: Retention Schedules are our friends.

- Retention schedules indicate the approved, legal, minimum amount of time each specific records series **shall** be kept

- If you have the information, you need to provide it for public records request, audit, investigation, litigation
What do I do when my Records Retention Schedule says it is time to destroy records?

- Check with others (record creator, record user(s), Risk Management and your Legal departments) and see if there is pending or imminent litigation.

- Check and see if there is an on-going or imminent audit.

- Check and see if there is a government investigation.
Choosing the method for records destruction

Do the records contain ANY confidential Information?

If the answer is NO --
These are the ways to destroy these records:
- Recycle
- Landfill

If the answer is YES –
More care must be taken with these records. They can be destroyed the following ways:
- Secure Shredding

Why the difference for Confidential Information?
- See ARS ARS §44-7601
- Attorney General Handbook-Section 6
The records have been destroyed after the end of their retention period. Now what?

- Certificates of Records Destruction MUST be filed at least once annually per statute.
- No approval is needed from LAPR BEFORE destroying records. The records retention schedules are the approval.
- The Certificate of Destruction is the notification of the destruction and is your legal protection. It is important that it is filled out completely.

### Certificates of Records Destruction

<table>
<thead>
<tr>
<th>Public Body</th>
<th>Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department</td>
<td>Office/Unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Record Series Title as Stated on Approved Schedule</th>
<th>Schedule Number or Date</th>
<th>Item #</th>
<th>Records Start Date</th>
<th>Records End Date</th>
<th>Eligible to Destroy Date</th>
<th>Format: Paper, Digital, Microfilm</th>
<th>E-Mail for Electronic Files</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Records Officer Approved (type or print name):

Title (type or print):

Phone:

Records Officer Signature:

E-Mail:

Date:

### 41-151.19
The records need to be destroyed, but they are not on a Retention Schedule. Now what?

If Records are **NOT** listed on an approved Retention Schedule, they are considered to be Unscheduled Records and cannot be destroyed until:

- You FIRST complete and send the following form: “Pre-Approval for Unscheduled Records Disposition”

- The RMC will then return the Pre-Approval Form to you with instructions to further retain the records until the end of the retention period just created

- OR, provide approval for you to destroy the unscheduled records
Scheduled records vs. unscheduled records

Scheduled records series
- These are records series that have been placed on an approved Retention Schedule, have an assigned retention period, and can be destroyed by following a General or Custom Schedule.

Unscheduled records series
- These are records series that have NEVER been placed on an approved Schedule.
- Have NEVER been assigned a retention period,
- **CANNOT be destroyed** UNTIL
  - they are placed on an approved schedule,
  - OR,
  - approved for destruction via **completing and submitting** to the LAPR – RMC the following form: **Pre-approval for Unscheduled Records Disposition**
Essential Records

- 41-151.12. Records; records management; powers and duties of director; fees; records services fund

- 4. Establish criteria for designation of essential records within the following general categories:
  - (a) Records containing information for the continuance of your operations
  - (b) Records containing information necessary to protect the rights and interests of persons or to establish and affirm the powers and duties of governments in the resumption of operations after a disaster.

- 5. Reproduce or cause to be reproduced essential records and prescribe the place and manner of their safekeeping.

Mostly, less than five percent of government records are essential. The MOST essential records are those that provide continuity during emergencies – personnel cell phone contacts, the ADOA after hours number, etc. As disruption time increases, more records become essential.
Yes, there were essential records in there...

Phoenix
VA Admin Offices
1992

These essential records were recovered and restored using best practices at the time – drying and flattening. Today, they would be rinsed with iodized water to take the stains out, then dried and stored flat.
4 Principal Dangers for Records:
Water damage, mold, fire and termites

You are not alone in the event of an records emergency!

**Water Damage Resource:**
- See the following Guidance and Forms from the RMC website:
  - [https://www.azlibrary.gov/arm/conservation](https://www.azlibrary.gov/arm/conservation)

**Mold Damage Resource:**
See the Northeast Document Conservation Center for a Mold resources:

**Termites, Fire and Vandalism Damages Resource:**
See the Northeast Document Conservation Center for a Termite / Pest resources:
The records have been accidentally and prematurely destroyed. Now what?

If Records were destroyed BEFORE the retention period in an approved Retention Schedule, then -

- Complete and Send to the RMC – LAPR the following form:
- Notice of Destruction Prior to Records Disposition Date

This Form is used if records are accidentally destroyed,
- OR if records are destroyed beyond repair by water damage, mold or termites

- Notice of Destruction Prior to Records Disposition Date form are located on the RMC website
# Records Inventory

What is a Records Inventory:
- The records inventory identifies and quantifies the records created and received by an agency.
- Becomes the working document for records retention and disposition schedules, file plans and essential records programs.
- Simply defined, the records inventory is a list of each record series, together with an indication of where it is located and other pertinent data.

Why create a Records Inventory?:
- It’s the foundation to determining what records exist in an public body.
- The inventory is the first step in the development of a public body’s records program.

<table>
<thead>
<tr>
<th>What records do I have?</th>
<th>What records do I have?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where are they?</td>
<td>Where are they?</td>
</tr>
<tr>
<td>How long do I need to keep them?</td>
<td>How long do I need to keep them?</td>
</tr>
</tbody>
</table>
Summary

- Everyone here has a role in records management
- Your agency’s Records Officer is a valuable resource
- Retention schedules keep your agency legally defensible.
- We are here to help if you have any questions.
Need a Certificate of Training?

• Please email us, records@azlibrary.gov by the end of December 7th.
Questions?
Protection and Preservation of Records

- Arizona Standards for Permanent Records (link is external)
- Guidance on AZ Standards (link is external)
- Minimum Standards for Digital Imaging or Scanning Textual Documents (link is external)
- Minimum Standards for Scanning Photographs (link is external)
- Minimum Standards for "Born Digital" Photographs
- Records Officer Handbook
Helpful Contacts

**Records Management Center (LAPR):**
http://www.azlibrary.gov/records/
Phone: 602-926-3815
records@azlibrary.gov

Kurtis Chandler
kchandler@azlibrary.gov
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Elizabeth Adigwu:
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Phone: 602-926-3819

Dr. Ted Hale:
thale@azlibrary.gov
Phone: 602-926-3736

**ARMA Arizona**
http://www.armaazchapter.org

**AIIM – Global Community of Information Professionals**
http://www.aiim.org/

**ARMA International:**
http://www.arma.org/

**Institute of Certified Records Managers (ICRM):**
http://www.icrm.org/

**National Archives and Records Management (NARA):**
http://www.archives.gov/records-mgmt/

**National Association of Government Archivists and Records Administrators (NAGARA):**
http://www.nagara.org/index.cfm