This training does not constitute a legal opinion or legal advice on the part of the State Archives and Records Management Branch of the Secretary Of State.
Presenter(s)

Timothy Provenzano
Records Analyst
(RM Training; Retention Schedules and Imaging – Counties, Higher Education (ASU, NAU, UA), Community Colleges
Archives and Records Management Branch
Arizona Secretary of State

And / or
Ruben Vargas
Records Analyst
(RM Training; Retention Schedules and Imaging – State Agencies, K-12 Education (public schools, charter schools (non-college))
Archives and Records Management Branch
Arizona Secretary of State

And / or
Kurtis Chandler
Records Analyst
(RM Training; Records Retention Schedules and Imaging – All Municipalities, Special Districts and Fire Districts)
Archives and Records Management Branch
Arizona Secretary of State
Archives & Records Management as a State Agency

Michele Reagan, Secretary of State, State of Arizona

Dr. Ted Hale, Director Arizona State Archives and Records Management Branch

Timothy Provenzano, Records Analyst

Ruben Vargas, Records Analyst

Kurtis Chandler, Records Analyst
Archives and Records Management

The State Archives, located in the Polly Rosenbaum Archives and History Building, collects preserves and makes available to the public and all branches of government, permanent public records, historical manuscripts, photographs and other materials that contribute to the understanding of Arizona history. The Records Management Center administers the management of public records throughout state and local government in Arizona.

Archival Research Materials

Records Management Center Website
General Ground Rules for On-Line Sessions

1. Please remember that while you are in the on-line classroom, all other participants can hear everything you say (even in the background), and can see everything you write on the whiteboard.

2. I will be muting All participants to help with sound distortion.

3. Please make sure that all phones are muted during the sessions. Press *6 and your phone will be muted.

4. Feel free to submit notes during session for discussion. If you would like to send a note / comment, please send to “all” so that everyone can see the question and then hear the answer to that question.

5. Please raise your hand if you wish to speak

6. Take a vote: How many of you are participating in today’s session with a group of co-workers?

7. If so, how many of you are there in your group? (Send # as a note)

8. At the end of the training, I will be taking questions. Write down any questions you have during the session, and we will have an opportunity to ask them at the end.
Records Management Statutes from Arizona Revised Statutes

SESSION 1 OF 6 ON RECORDS MANAGEMENT
All Records Management in Arizona is Governed by Arizona Revised Statutes (ARS)

- In Arizona, **everything that we do** in Records Management is governed by Arizona Revised Statutes (ARS)

- The ARS that govern Records Management are: §41-151 – §41-151.23

- The purpose of this training today is to **examine the Records Management Statutes in detail** and to **learn what is required of public bodies** in the **area of Records Management**
What Is a “Record”

ARS § 41-151.18. Definition of records

In this article, unless the context otherwise requires:

- "records" means all books, papers, maps, photographs or other documentary materials,
- Regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-151.16,
- Made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor
- As evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record, and includes records that are made confidential by statute
What is Not a Record

ARS §41-151.18. Definition of records - continued

- Not included within the definition of records as used in this article:
- Library or museum material made or acquired solely for reference or exhibition purposes,
- extra copies of documents preserved only for convenience of reference
- and stocks of publications or documents intended for sale or distribution to interested persons
Two Basic Definitions for Arizona Revised Statutes

ARS §41-151. Definitions

In this article (ARS §41-151), unless the context otherwise requires:

1. "Director" means the Director of the State Library
2. "State Library" means the Library, Archives and Public Records
The ARM (Archives, and Records Management) – Who We Are

ARS § 41-151.01. Arizona state library, archives and public records

A. The Arizona State Library, Archives and Public Records is established in the office of the secretary of state.

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.
ARS §41-151.08. Archives and history services; recovery of costs

A. The state library shall contain:

1. All available works, books, newspaper files, pamphlets, papers, manuscripts, documents, magazines and newspaper articles, maps, pictures, items and materials pertaining to or bearing on the history of Arizona.

State Documents

2. Copies of current official reports, public documents and publications of state, county and municipal officers, departments, boards, commissions, agencies and institutions, and public archives.

It is the duty of all public officers required by law to make written reports to the governor, or to the governing officer or body of a county, city or town, to provide those reports, documents and publications to the state library for filing in the state library archives in the number that will satisfy the requirements of the state documents program.
ARS §41-151.08. Archives and history services; recovery of costs

B. The governmental units described in subsection A of this section shall:

1. Notify the state library if the reports, documents and publications subject to this section are posted on an internet website.

For mailing print or other tangible format, we prefer sending them to:

**State Agencies, Boards and Commissions**

State Library of Arizona  
State Docs  
1700 W Washington  
Suite #300  
Phoenix, AZ 85007.

**Local Agencies (Counties, Municipalities, etc.)**

Arizona State Archives  
Library, Archives and Public Records  
Attn: Arizona Collection  
1901 W. Madison St.  
Phoenix, AZ 85009.

Send electronic copies to:  
research@azlibrary.gov
ARS § 41-151.11. Access to public records

The director, in person or through a deputy:

has the right of reasonable access to all non-confidential public records in the state, or any public office of the state or any county, city, municipality, district or political subdivision of the state, because of the historical and research value of data contained in those records, with a view to securing their safety and determining their need for preservation or disposal.
What We Are Responsible For #1 – Retention Schedules

ARS § 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.

Why “prompt and orderly disposal of records”?

1. Costs to the Public: We are required to have an “efficient and effective” records management system. Keeping records longer than needed means the public is paying for the storage, retrieval, use, etc. of records that are no longer needed by the public bodies per approved RS.

2. Risk Management: There is a risk to keeping records longer than needed.
ARS §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 necessary to the operations of government in the emergency created by a disaster.
   
   (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.

6. Obtain such reports and documentation from agencies as are required for the administration of this program.
What We Are Responsible For #3 – Historical Records

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

7. Request transmittal of the originals of records produced or reproduced by agencies of the state or its political subdivisions pursuant to section 41-151.16 or certified negatives, films or electronic media of such originals, or both,

if in the director's judgement such records may be of historical or other value.
ARS § 41-151.14. **State and local public records management; violation; classification; definition**

A. The head of each state and local agency shall:

1. **Establish and maintain** an *active, continuing program* for the *economical and efficient* management of the public records of the agency.

2. **Make and maintain** records containing adequate and proper documentation of the *organization, functions, policies, decisions, procedures and essential transactions* of the agency designed to *furnish information to protect the rights of the state* and *of persons directly affected by the agency's activities*.
ARS § 41-151.14. State and local public records management; violation; classification; definition

3. **Submit to the director**, in accordance with established standards, **schedules proposing the length of time** each record series warrants retention for administrative, legal or fiscal purposes after it has been received by the agency.

4. **Submit a list of public records** in the agency's custody that **are not needed** in the transaction of current business and that are not considered to have sufficient administrative, legal or fiscal value to warrant their inclusion in established disposal schedules.
ARS § 41-151.14. State and local public records management; violation; classification; definition

5. Once every five years submit to the director lists of all essential public records in the custody of the agency.

6. Cooperate with the director in the conduct of surveys.

8. Comply with rules, standards and procedures adopted by the director.
Responsibilities of Public Bodies in Arizona #4: Designate a Records Officer

41-151.14. State and local public records management; violation; classification; definition

7. Designate an individual within the agency to manage the records management program of the agency.

The agency shall reconfirm the identity of this individual to the state library every other year.

The designated individual:

(a) Must be at a level of management sufficient to direct the records management program in an efficient and effective manner.

(b) Shall act as coordinator and liaison for the agency with the state library.
ARS § 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.
Responsibilities of Public Bodies in Arizona #6 – Promote Records Management

ARS §41-151.14. State and local public records management; violation; classification; definition

B. The governing body of each county, city, town or other political subdivision shall promote the principles of efficient record management for local public records. They shall follow the program established for the management of state records.

C. A head of a state or local agency who violates this section is guilty of a class 2 misdemeanor.
ARS § 41-151.15. Preservation of public records

A. All records made or received by public officials or employees of this state or the counties and incorporated cities and towns of this state in the course of their public duties are the property of this state.

Except as provided in this article, the director and every other custodian of public records shall carefully protect and preserve the records from deterioration, mutilation, loss or destruction and, when advisable, shall cause them to be properly repaired and renovated.
Protection, Retention & Preservation of Permanent Records:

ARS § 41-151.15. Preservation of public records

All paper, ink and other materials used in public offices for the purpose of permanent records shall be of durable quality and shall comply with the standards established pursuant to section § 39-101.

These Standards for Permanent Records are located at the following link:

Additionally, the custodian of records that keeps photography, film, microfiche, digital imaging or other types of reproduction or electronic media shall protect records from loss or destruction pursuant to standards that are established by the director.
ARS § 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.
Records shall not be destroyed without... #1

ARS §41-151.15. Preservation of public records

B. Records shall not be destroyed or otherwise disposed of by any agency of this state unless it is determined by the state library that the record has no further administrative, legal, fiscal, research or historical value.

How does the State Library provide this determination?

Retention Schedules (both General and Custom) signed by the Director of the State Library provide approval for destruction of the records series AS LONG AS records are destroyed after meeting the specific retention period for that records series.
ARS § 41-151.15. Preservation of public records

A person who destroys or otherwise disposes of records without the specific authority of the state library is in violation of section 38-421.

38-421. Stealing, destroying, altering or secreting public record; classification

A. An officer having custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secrets the whole or any part thereof, or who permits any other person so to do, is guilty of a class 4 felony.

B. A person not an officer who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secrets the whole or any part thereof, or who permits any other person so to do, is guilty of a class 6 felony.
ARS § 41-151.16. Production and reproduction of records by agencies of the state and political subdivisions; admissibility; violation; classification

Each agency of this state or any of its political subdivisions may implement a program for the production or reproduction by photography or other method of reproduction on film, microfiche, digital imaging or other electronic media of records in its custody, whether obsolete or current, and classify, catalogue 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 of the types of records to be produced or reproduced and of the methods of production, reproduction and storage.
ARS §41-151.16. Production and reproduction of records by agencies of the state and political subdivisions; admissibility; violation; classification

Continued...

and the equipment which the agency proposes to use in connection with the production, reproduction and storage.

Approval pursuant to this subsection is necessary for digitizing programs but not for individual instances of digitization.

On approval from the director, the source documents may be destroyed, but only after an administrative audit and after safeguards are in place to protect the public records pursuant to section 41-151.15, subsection A.
ARS §41-151.16. Production and reproduction of records by agencies of the state and political subdivisions; admissibility; violation; classification

B. Except as otherwise provided by law, records reproduced as provided in subsection A of this section are admissible in evidence.

C. A head of an agency of this state or a political subdivision of this state who violates this section is guilty of a class 2 misdemeanor.

41-151.15. Preservation of public records

The original of any record produced or reproduced pursuant to section 41-151.16 may be determined by the state library to have no further administrative, legal, fiscal, research or historical value.
Requests for Imaging / Microfilming of Public Records Forms

Available from the ARM website, at the following address:  http://www.azlibrary.gov/records/forms.aspx

These are just some of the forms you will see when you get to that page:

- Imaging and Microfilming Forms PDF Excel
- Request for Document Imaging of Public Records PDF Excel
- Request for Microfilming of Permanent Public Records PDF Excel
- Certificate of Compliance PDF Excel

Two types of Imaging Request forms:

- Request for Microfilming of Permanent Public Records or
- Imaging Public Records (Addendum/Attachment)

Imaging Request forms needed if you are scanning / converting paper records into another format

It does not matter if you are keeping the paper source documents or not – you still need an Imaging Request if you are routinely scanning / converting an entire records series into electronic formats or microfilm.
Request for Document Imaging of Public Records

- Scanning or imaging paper records for the sole purpose of using the electronic images as convenient access copies or for web posting. The paper records will not be destroyed, and the electronic images are merely copies.
- Scanning and imaging paper records that have a total retention period of 30 years or less, which will require more relaxed scanning standards.
- Scanning and imaging paper records that have a total retention period of 31 years or longer, but does not include approval for Permanent records.
Request for Microfilming of Public Records

This is a screen shot of the Microfilm Request, which requires specific information on how your microfilm is created / filmed, how that film is processed, and how that film is retained.

If using a vendor to microfilm your records, a Certificate of Compliance must be obtained from ARM website and a Microfilm Control Number (MCN#) assigned first.

However, know that the he Certificate of Compliance Form is NOT needed if the State Micrographics Center is performing the services for your agency.
Certificate of Compliance

- Needed if you, or your selected vendor, are microfilming paper records (or converting them to microfilm via Computer Output Microfilm - COM)
- This form shall be completed Annually
- This form shall be completed by the vendor or entity microfilming your records
- The purpose of the Certificate of Compliance:

  It is hereby certified that the above listed silver halide micrographics were processed in accordance with the "Standards for Permanent Records" published by the Arizona State Library, Archives and Public Records. It is further attested that the following equipment and procedures were used:

  PROCESSOR MAKE & MODEL:
  METHELENE BLUE TEST FOR RESIDUAL THIOSULFATE PERFORMED:

  □ DAILY  □ WEEKLY  □ BI-WEEKLY  □ OTHER
ARS §41-151.17. Duties relating to historical value

A. The state library shall:

Terminated or Sunset Public Bodies

B. All public records of any public office,

upon the termination of the existence and functions of the office,

shall be checked by the state library and either disposed of or transferred to the custody of the state library, in accordance with this article.

Transferred or Privatized Public Bodies

If a public office is terminated or reduced by the transfer of its powers and duties to another office or to other offices, its appropriate public records shall pass with the powers and duties transferred.
Sunset Records Process

Available from the RMC website, at the following address:


This is what you will see when you get to that page:

Standards and Guidelines

General Records Management

Sunset Public Bodies Process

The **Purpose of the Sunset Process** for All Public Bodies:

Over time, some public bodies cease to exist through the events listed below.

This Process will ensure that all records for Public Bodies are properly managed and preserved before, during and after the point at which they cease to exist.

This Process covers the following **cessation events**: Being Sunsetted, Privatized, Terminated, Transferred to another Public Body, or Changing Elected or Appointed Officials.
Preview of Sunset Records Process

TO: ALL STATE AGENCIES, BOARDS AND COMMISSIONS
ALL ELECTED / APPOINTED OFFICIALS
ALL PUBLIC BODIES (“LOCAL AGENCIES”)

PROCESS: WHEN BEING SUNSETTED, PRIVATIZED, TERMINATED, OR TRANSFERRED TO ANOTHER PUBLIC BODY

Statutory authority for this Process:
41-151.17. Duties relating to historical value
“B. All public records of any public office, upon the termination of the existence and functions of the office, shall be checked by the state library and either disposed of or transferred to the custody of the state library, in accordance with this article. If a public office is terminated or reduced by the transfer of its powers and duties to another office or to other offices, its appropriate public records shall pass with the powers and duties transferred.”

Any State Agency, Board or Commission (“State Agency”) or Local Agency (all other public bodies) in the State of Arizona, upon the earliest learning that such Agency will be sunset, terminated, transferred, privatized or changing elected or appointed official, shall contact the Records Management Center (RMC) of the Arizona State Library, Archives and Public Records (LAPR) at 602-926-3815 or records@azlibrary.gov.

The point of this initial contact with the LAPR - RMC is to start the process detailed below to ensure that all records for such agency or public body are properly managed and preserved before, during and after the period of sunset, termination, transfer, privatization, or change of elected or appointed official.
ARS §41-151.19. Determination of value; disposition

Every public officer who has public records in the public officer's custody shall consult periodically with the state library and the state library shall determine whether the records in question are of legal, administrative, historical or other value.

Those records determined to be of legal, administrative, historical or other value shall be preserved.

Those records determined to be of no legal, administrative, historical or other value shall be disposed of by such method as the state library may specify.

A report of records destruction that includes a list of all records disposed of shall be filed at least annually with the state library on a form prescribed by the state library.
4 Different Types of Reports for Records Destruction

There are four different types of forms used to Report the Destruction of Records, whether they are paper, microfilm or electronic.

**Certificate of Records Destruction:**

This form is used to **report the destruction** of any records listed on an approved Retention Schedule.

You **do NOT need to notify us** BEFORE the destruction of records that are listed on an approved Retention Schedule.

You must submit a Report **at least once annually**.

**Notice of Destruction Prior to Records Disposition:**

This form is used **if records are prematurely destroyed**.

If records **are destroyed BEFORE they have met the full retention period**, they need to be reported on this form.

Most common types of premature destruction: water damage, pest damage, fire damage, server failure, USER Error.
Pre-Approval for Unscheduled Records Disposition:

If records are NOT listed on an approved Retention Schedule, they CANNOT be destroyed.

Records need to have an approved retention period BEFORE they can be destroyed.

If they are NOT listed on an approved Retention Schedule, then they have no retention period.

This form is used to report the destruction of any records NOT listed on an approved Retention Schedule.

If you have records that are unique and unscheduled, then you first complete this form.

Then, you return the completed form to the ARM.

The ARM will assign a Retention Period, and return the form to you.

You will then need to either retain the records longer or be authorize to destroy such records.
4 Different Types of Reports for Records Destruction – continued

Transfer of Records Between Public Bodies:

There are times when records need to be transferred from one public body to another public body.

This form is used to report the transfer of any records listed on an approved Retention Schedule.
4 Different Types of Reports for Records Destruction – continued

**Common instances** requiring the transfer of records:

- **Land is annexed or swapped** between Municipality and County, or the like
- **Records are transferred to the State Archives** for historic archival use

The LAPR **MUST be notified** **BEFORE the transfer** of any records **to the State Archives**

The form must be **completed and signed** by the **original (Transferring) Records Custodian** AND by the **New (Receiving) Records Custodian**

**NO Records shall be TRANSFERRED WITHOUT** the completion of this **Transfer of Records form**.

This **form provides the chain of custody** to document the transfer of records, and **to legally ensure the records have not been altered between transfer and receipt**. This ensures the records are the **exact same records**.
Got Questions?

***Please complete an Evaluation Form – (sent in the email with on-line session instruction)***
HELPFUL CONTACTS

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

Kurtis Chandler
kchandler@azlibrary.gov
Phone: 602-926-3817

Ruben Vargas:
rvargas@azlibrary.gov
Phone: 602-926-3819

Timothy Provenzano
tprovenzano@azlibrary.gov
Phone: 602-926-3820

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 Record 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
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