RECORDS RETENTION STRATEGIES FOR EVERYBODY

STAYING LEGAL WITH PAPER & MEETINGS

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RECORD RETENTION STRATEGIES FOR EVERYBODY

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RECORDS MANAGEMENT

“ORDERLY & ACCESSIBLE”

Ohio History Connection website:
“Local government records program”
“Procedures (where to begin)"
OHC says “get started:”

1. Establish a Local Records Commission.
2. Inventory your records.
3. Determine retention periods for the records (and media) you have.
4. Run it through your LRC.
5. Send it to Archives for approval.
6. Follow these rules you made and keep track of what’s going on.

…but what’s actually happening with the documents?
CCLRC documents:

PROGRAMS/ PROPERTY FILES:

-- ACQUIRED --

-- DISPOSED --

-- REJECTED --

-- PURGED --

Arranged by parcel number

DEMOLITION CONTRACT FILES:

Arranged in batches in chronological order

PREQUALIFIED CONTRACTOR FILES:

Arranged alphabetically by contractor/company name

FINANCIAL FILES:

Arranged chronologically and boxed by year

Now ALPHABETICAL by vendor (again)
This is an electronic list generated in Excel.

One MASTER LIST kept in “real time” (as they are made).

One version kept by PARCEL NUMBER and also the record of the files PURGED.

One version kept alphabetically by MUNICIPALITY name.

One version kept alphabetically by SOURCE description.
MONTHLY DISPOSED PROPERTY LIST

Lists all properties sold that month.

Parcel folders moved to disposed filing system.

Missing files noted!!!

This can become your document/file purging list in 3 years, or....
Based on our retention schedule, 3 years after disposal/demo is good for us.

Purging of documents is noted on this paper, on the master list, and in PPS (our database).

Every list is signed by the person (me) moving/disposing of the paper/file.
List of all documents generated by your office and how long you plan to keep them.

Go for “big bucket” categories.

Update annually (or as needed) to reflect changes in language, production, additions, federal retention period changes, etc.

This is your “play book” for moving paper through your office: LEARN IT! FOLLOW IT!
PROPERTY FILE FOLDERS

Make each folder the same for consistency. Internal dividers help keep documents organized for the people who need to access them. Recycle skeleton folders into new folders at disposal/purging. So adapt within your system as necessary.
LABELS

No label = active          Green label = disposed          Red label = rejected/withdrawn          Yellow label = purged
PRE-INKED STAMPS FOR RETENTION PERIODS

Because you probably won’t be the records retention guru for forever.
OUT CARDS!!!!!

This is important! How else will you know where a file is if it isn’t in the drawer?
Why are we saving all of this paper?

Because sometimes paper still matters!

“Although the Ohio History Connection, which administers the State Archives of Ohio, acknowledges the utility of maintaining digital images for access and retrieval purposes, it does not support the permanent maintenance of records solely in electronic image formats. Technological changes are rapid and constant. With no standards in existence for ensuring the long-term validity and survivability of digital images, it is nearly impossible to predict whether those imaged records will be retrievable in the future. Even well-implemented migration plans cannot assure that data will not be lost. With this in mind, the State Archives strongly recommends maintaining an eye-readable backup of any records deemed of permanent value that have been digitally imaged for electronic storage.”

--Ohio History Connection FAQs
How long can we make digital last?

- CD-ROMS (aluminum backing) = 10+/- years (but ruined if placed in sunlight)
- Magnetic tape = several decades (1960’s tech still better than 2000’s CDs)
- Archive-quality optical CD (gold backing) = 100 years
- Archival Blue Ray disks = 200-300 years (if you can still buy a disk reader in 2217)
- M-disk (mineral composite disk) = 1,000 to 10,000 years (Not in your budget.)
- Custom DNA with imbedded data artificially fossilized = 100,000 years. (This is also not in your budget.)
Write out your Record Retention “recipe”

This (theoretically) allows someone else to do your records retention job even when you are not there.

Things that need to be done…
  ...every day.
  ...every week.
  ...every month.
  ...every year.
  ...every (3) years.

Then stick to it!
Douglas Sawyer
Assistant General Counsel
Responding to a Public Records Request
Definition of “Public Record”
Ohio’s Public Records Act – ORC 149.43

• A **document**, **device**, or **item**, regardless of physical form or characteristic, including an electronic record, **which has information stored on a fixed medium** (tapes, e-mails, photos, films, videos, paper, etc.),

• **Created or received by**, or coming under the jurisdiction of, a **public office**, and

• **documenting what the public office does**; the organization, functions, policies, decisions, procedures, operations, or its other activities.
Is this item a “Record”? 

- **Notes** – employee’s notes generally do not constitute “public records” if they are:
  - Kept as personal papers, not official records;
  - Kept for the employee’s own convenience (for example, to remember follow-up responsibilities);
  - Other employees did not use or have access to the notes.

- **Drafts** – will be “public record” if they meet the 3 criteria of a “public record”
  - Generally found to be public records if document is shared with others;

- **E-mail** – analyzed like any other document; must meet all 3 parts of the definition.

- **Computerized Data Bases** –
  - No requirement to search database and compile a summary.
Documenting what a public office does

• Examples of records which may not document what a public office does:
  – Junk mail and periodicals;
  – Purely personal communications (including e-mails) to, from, or between public employees [deputies’ racist e-mails];
  – Home addresses of office employees [Dispatch v. Johnson];
  – Personal calendars and appointment books;
  – Non-record items and information in employee personnel files.
Exemptions

• Exempting a “public record” from disclosure does not mean that the record is no longer a “public record”

• It is still a “public record” but either must not or does not have to be disclosed

• What difference does this make? As a “public record,” the record must be retained for the retention period in the record retention policy
Exemptions

• Once something fits within the definition of a “public record,” the rule about disclosure is simple:

• Unless the public office can identify an exemption which clearly requires or permits withholding disclosure of a requested record, the office must disclose the record
Exemption - R.C. 1724.11(A)(1) Confidential Info

Financial and proprietary information, including trade secrets, submitted by or on behalf of an entity to the community improvement corporation in connection with the relocation, location, expansion, improvement, or preservation of the business of that entity, or in the pursuit of any one or more of the purposes under division (B) of Revised Code Section 1724.01 for which a county land reutilization corporation is organized, held or kept by the community improvement corporation, or by any political subdivision for which the community improvement corporation is acting as agent, is confidential information and is not a public record subject to R.C. Section 149.43.

(R.C. Section 1724.11(A)(1))
Any other information submitted by or on behalf of an entity to the community improvement corporation in connection with the relocation, location, expansion, improvement, or preservation of the business of that entity held or kept by the community improvement corporation, or by any political subdivision for which the community improvement corporation is acting as agent, is confidential information and is not a public record subject to Section 149.43 of the Revised Code, until the entity commits in writing to proceed with the relocation, location, expansion, improvement, preservation of its business, or other purpose under division (B) of Section 1724.01 of the Revised Code.

(R.C. Section 1724.11(A)(2))
Your Obligations

Upon request,

• provide **prompt inspection** of public records; and

• provide **copies** within a **reasonable** period of time to the person requesting them.
Responding to a Public Records Request

• The Request:
  ❑ Request can be made by letter, e-mail, phone or in person.
  ❑ Requester: any person (includes a corporation); no requirement for Ohio or US citizenship.
  ❑ No requirement that:
    ➢ person identify him- or herself;
    ➢ give a reason for the request.
  ❑ “Request” must identify the records sought “with reasonable clarity” and “specifically and particularly.”
  ❑ The request cannot be overbroad.
Rules of Special Note

• *Any “person”* can make a public records request including corporations and other governmental agencies
• *No special format or special language* required
• A request may be *written* or *verbal*
• The requester’s motive *is not relevant*. However, the request must at least be specific and describe in detail the records being sought.
Rules of Special Note

• A public office cannot require the requester to put the request in writing or reveal his/her name.

• The Act expressly states that any requirement that the requester disclose the requestor’s identity or the intended use of the requested public record constitutes a denial of the request. [R.C. 149.43(B)(4)]
Steps for Filling a Public Records Request

1. Acknowledge request promptly (24 hrs)
2. Identification of Responsive Records
   • Clarify or revise request
   • Identify the records
3. Location & Retrieval
   • Paper, e-mail, server, or off-site
Steps for Filling a Public Records Request

4. Review, analysis, and Redaction
   • Examine all materials for possible release
   • Perform necessary legal review
   • Redact exempt materials
   • Provide explanation and legal authority for all redactions/denials

5. Preparation
   • Obtain requestors choice of medium (if not already known)

6. Delivery
We’re Done!!

Don’t all cheer at once!