Record Retention Policies: How Long Do We Keep This Record?

Pari J. Swift, CRM, Senior Records Manager
Goal of a Records Management Program

Establish a **systematic**, **repeatable**, **documented process** for the retention and disposition of records created and maintained by the public office.
County Records Commission
149.38 ORC

- *Member* of the Board of County Commissioners as chairman
- Prosecuting Attorney
- Auditor
- Recorder
- Clerk of Court of Common Pleas
- Meet at least once every 6 months
- Can hire an archivist or records manager
- Shall appoint a secretary who may or may not be a member of the commission
- Notify local historical societies
Records Commission Responsibilities

• Provides rules for retention and disposition of records

• Reviews and approves:
  – Retention Schedules (RC-2)
  – Applications for One-Time Disposals (RC-1)

• Meetings
  – Open to public
  – Notice must be given
  – Detailed minutes kept
Conducting a Records Analysis
What is a “record?”
(ORC 149.011)

• Stored on a fixed medium
  – Paper, computer, microfilm, audio/video, etc.
• Created, received or sent under jurisdiction of public office
• Serves to document:
  – Organization - Procedures
  – Functions - Operations
  – Policies - Other activities
  – Decisions

All records, public or not, are subject to records management and retention laws.
Terminology: Record Series

Record Series (groups of related files)

File (related documents)

Individual page/Document

Phone Bills

2009 Phone Bills

Jane Smith’s June 2009 Phone Bill
Basic Components of a Records Analysis

• Office(s) the record series is common to
• Descriptive Title
• Record Series Description
• 4 values that determine retention
• Retention Period
• Media formats
Retention Schedules

Include information for each series that:

• Describes the *purpose* and/or *function* (use)
• Tells what *types of information* can be found in the series

*Create the retention schedule for someone who has no knowledge of the records.*
Determining Retention Periods

Administrative Value

• Used by office or agency to carry out its duties
• Based on how often or for how long a record is used
• Would the program be in jeopardy upon the disposal of the record
• Examples: phone records, meeting agendas, annual reports

Consult Office of Origin
Determining Retention Periods

**Fiscal Value**

- Pertains to the receipt, transfer, payment, adjustment, or encumbrances of funds
- Required for audit
- **Examples:** canceled checks, purchase orders, budget reports, voucher books

**Contact:** Auditor, Treasurer
Determining Retention Periods

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
Determining Retention Periods

**Historical value**

- Documents an agencies' organization, policies, decisions, procedures, operations, and other activities
- Contains significant information about people, places, or events
  - Secondary value: source of information for persons other than the creator
- **Examples:** Photographs, maps, court records, tax records, speeches, deeds, minutes

**Contact:** OHC State Archives/LGRP
Determining Retention Periods

Retention periods are determined and expressed in three ways

• Time

• Event

• Time and Event or Action

Set retention period to the longest value
A Note about Storage Media

STORAGE MEDIA ≠ RECORD SERIES

STORAGE MEDIA ≠ RETENTION PERIOD

It is not a matter of how long we can keep records, it is a matter of how long we should keep records.

In fact, the determined retention period may ultimately play a role in determining the best storage media for a particular record series.
RC Forms and Processes
# RECORDS RETENTION SCHEDULE (RC-2) - Part 1

Section A: Local Government Unit

<table>
<thead>
<tr>
<th>Local government entity</th>
<th>Unit</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Signature of responsible official</th>
<th>Name</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
</table>

Section B: Records Commission

<table>
<thead>
<tr>
<th>Records Commission</th>
<th>Telephone number</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>Zip code</th>
<th>County</th>
</tr>
</thead>
</table>

To have this form returned to the Records Commission electronically, include an email address:

I hereby certify that our records commission met in an open meeting, as required by Section 121.22 ORC, and approved the schedules listed on this form and any continuation sheets. I further certify that our commission will make every effort to prevent these records series from being destroyed, transferred, or otherwise disposed of in violation of these schedules and that no record will be knowingly disposed of which pertains to any pending legal case, claim, action or request. This action is reflected in the minutes kept by this commission.

Records Commission Chair Signature

Date

Section C: Ohio History Connection - State Archives

Signature

Title

Date

Section D: Auditor of State

Signature

Title

Date

Please Note: The State Archives retains RC-2 forms permanently. It is strongly recommended that the Records Commission retain a permanent copy of this form.

SAO-ILGRP- RC-2 (Part 1 & 2), Revised August 2014

<table>
<thead>
<tr>
<th>Schedule Number</th>
<th>Record Title and Description</th>
<th>Retention Period</th>
<th>Media Type</th>
<th>For use by Auditor of State or LGRP</th>
<th>RC-3 Required by LGRP</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
<td>(6)</td>
</tr>
</tbody>
</table>

SAO-ILGRP- RC-2 (Part 1 & 2), Revised August 2014
RC-2 Approval Process

Office of Origin

- In advance of meeting

Records Commission

- 60 days review
- Can send via email
- 60 days to approve or reject

State Archives

- Original retained at OHC

Auditor’s Office

- Copies returned to commission
- Commission sends copy to office of origin
Purpose of Retention Schedules

• 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

Save $$$ and resources!
Obsolete Records

• During the inventory, you may have identified records that are not ongoing
  – they are no longer created

• These records should be listed on an Application for One-Time Records Disposal of Obsolete Records (RC-1)
Section A: Local Government Unit

<table>
<thead>
<tr>
<th>(local government entity)</th>
<th>(unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(signature of responsible official)</td>
<td>(name)</td>
</tr>
</tbody>
</table>

Section B: Records Commission

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<th>Records Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>(telephone number)</td>
</tr>
</tbody>
</table>

(address) | (city) | (zip code) | (county) |

I hereby certify that our records commission met in an open meeting, as required by Section 121.22 ORC, and approved the schedules listed on this form and any continuation sheets. I further certify that our commission will make every effort to prevent these records series from being destroyed, transferred, or otherwise disposed of in violation of these schedules and that no record will be knowingly disposed of which pertains to any pending legal case, claim, action or request. This action is reflected in the minutes kept by this commission.

Records Commission Chair Signature

Date

Section C: Ohio History Connection – State Archives

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<th>Date</th>
</tr>
</thead>
</table>

Section D: Auditor of State

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

Please Note: The State Archives retains RC-1 forms for seven years. It is strongly recommended that the Records Commission retain a permanent copy of this form.

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

Section E: Table of Records to be Disposed

<table>
<thead>
<tr>
<th>(local government entity)</th>
<th>(unit)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>(1) Schedule Number</th>
<th>(2) Record Title and Description (Inclusive Dates)</th>
<th>(3) Media Type to be disposed</th>
<th>(4) Media Type to be retained</th>
<th>(5) For use by LGRP or Auditor of State</th>
</tr>
</thead>
</table>

SAO/LGRP-RC-1 (Part 1 & 2), Revised August 2014
Differences Between RC-2 and RC-1

• **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.
CERTIFICATE OF RECORDS DISPOSAL (RC-3) - Part 1

See instructions before completing this form. Must be submitted with PART 2

<table>
<thead>
<tr>
<th>Local government entity</th>
<th>Unit</th>
<th>Contact person</th>
<th>Telephone number</th>
<th>Location of records</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(address) (city) (zip code) (county) (date mailed to LGRP)

I hereby certify that the records listed on this RC-3 and attachments are being disposed of according to the time periods stated on the approved Records Retention Schedules (RC-2) listed below. No record will be knowingly disposed of which pertains to any pending legal case, claim, action or request. In addition, microfilm created in place of any original record listed on this RC-3 will be stored according to ANSI Standards and all microfilm master negatives will only be used to create use copies. It is a responsibility of the local government to ensure the preservation and accessibility of any records retained in electronic format.

(Signature of responsible official) (Title) (Telephone number)

To have this form returned to the Records Commission electronically, include an email address: ________________________________

Please Note: The State Archives retains RC-3 forms for seven years. It is strongly recommended that the Records Commission retain a permanent copy of this form.
CERTIFICATE OF RECORDS DISPOSAL (RC-3) – Part 2
See instructions before completing this form. Must be submitted with Part 1

<table>
<thead>
<tr>
<th>(political subdivision name)</th>
<th>(unit)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Records Series Title</th>
<th>Authorization for Disposal</th>
<th>Media Type To be destroyed</th>
<th>Media Type To be retained (if any)</th>
<th>Inclusive Dates of Records</th>
<th>Proposed date of destruction</th>
<th>For LGRP use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Schedule Number Date RC-2 was approved by the Records Commission</td>
<td></td>
<td></td>
<td>From</td>
<td>To</td>
<td>(15 business days from receipt by LGRP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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
Record Disposals

- Not just when you have to
- Dispose at regular intervals
Importance of Documenting Disposition

• Administrative
  – Your agency knows whether the records still exist or not

• Legal
  – Proof that your agency 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
For More Information:

Ohio History Connection – State Archives
614-297-2553
localrecs@ohiohistory.org
www.ohiohistory.org/lgr
Which have you **ever** used or found:
What is the longest retention period for a record in the Commissioner’s Office?

• 5 years
• 15 years
• 50 year
• Permanent
Why are some Commissioners’ records permanent?

A. They are pretty to look at
B. We have the space, so why not?
C. Historically valuable
D. Legal record of actions taken
E. Our public records request stats need a boost
Ensuring Access: 3 Goals

1. Availability

2. Readability

3. Authenticity
Goal 1: Availability

The record is kept for its full retention period
Goal 2: Readability

✔ Available

✗ Readable
Goal 3: Authenticity

• Record is what it claims to be
• Record is complete
  – All metadata
• Need audit trails
  – What was changed
  – By whom
  – When
  – Documentation of migration(s)
MEDIA FORMATS
How is it that these clues survived 200 years?
Life Expectancy of Analog Formats

1000s of years if stored properly
It’s all about **PRESERVATION!**
How would the story have changed?
Here’s Why

Probably had no idea that the flash drive:

- Stored records
- Contained something worth retrieving
But let’s say Ben’s history prowess told him the flash drive was once an information storage device...

- Decay of physical media
- Hardware obsolescence
• Loss of information about format
• Software obsolescence
Content may still exist

But structure lost
What does this all mean?

- Technology will change.
- Media will degrade.
- It’s your job to make sure that the record is still available, readable, and authentic – until it’s met retention.
So, how do I think the story would have changed?
What do you care? You got the girl.

Abigail: It's true.  
Ben: It's true.
Permanent Electronic Records

Just because the law allows for it doesn’t mean it is
Permanent Records

Electronic storage has its downsides:

- **Cost**
  - Hardware
  - Software
  - Tech support
  - Migration every 5-10 years
- **Time**
  - Requires constant care and upkeep
    - no accidental survival
- **Liability**
  - Unstable media
Liability

If retention=permanent, your office has an obligation to always (forever) be able to:

• Provide access
• Prove reliability and authenticity
• Just having the data isn’t enough!

And if you can’t...
Electronic Storage is Great For:

Access
- Internal
- External
- Multiple Users

Functionality
- Search
- Reuse
- Manipulating Data
Digitization Factors to Consider

• How long will it take to convert to digital?
  – How frequently do you reference?
  – Is it worth time and cost of conversion?

• Do you need it in a manipulatable format?

• Can you afford costs associated with maintaining over the long term?

• Is authenticity important?
Long-Term Access Strategies

Keeping Records Digital
• Backward Compatibility (or Computer Museum)
• Recopying
• Media Conversion
• Format Migration

Creating Analog Copies
• Microfilm
• Print to Paper
“...digital information lasts forever—or five years, whichever comes first.”

Jeff Rothenberg
Ensuring the Longevity of Digital Information