Managing Local Government Records

An Introduction
May 14, 2021
New Directors Orientation

Rebecca Halbmaier
West Kentucky Regional Administrator
Local Records Branch
Archives and Records Management
Department for Libraries and Archives
Presentation Overview

- Why Records Management?
- Local Records Branch
- Records and Records Management
- Electronic Records
- Email
- Social Media
- Retention Schedules
- Destruction of Records
- Further Training and Information
Why Records Management?

PRACTICING PROPER RECORDS MANAGEMENT ENSURES THAT YOU CAN:

➔ Identify the records needed to document your work
➔ Keep duplication of records to a minimum
➔ Keep records accessible
➔ Dispose or preserve records properly
Local Records Branch

Local Records Branch
Local Records Branch Services
The Local Records Branch is split into FOUR regions and assists more than 2,900 local government agencies within the Commonwealth.

- Clerks
- Municipalities
- Judge/Executives
- Libraries
- Sheriffs
- County Attorneys
- County Treasurers
- Jailers
- Public Schools
- Area Development Districts
- Health Departments
- Coroners
- Police Departments
- Special Purpose Governmental Entities (SPGE)

https://kdla.ky.gov/records/recmgmtservices/Pages/LocalGovernmentRecordsServices.aspx
Local Records Branch Services

➔ Assist with Records Retention Schedules and destruction of obsolete records;
➔ Provide records management education training;
➔ Provide guidance for the creation of local government records management programs;
➔ Provide records management consultative services, including new technologies;
➔ Administer and assist with the Local Records Grant Program;
➔ Prepare records for microfilming (title targets);
➔ Provide 24 hour service for records disaster recovery assistance.

Branch Manager
Nicole Bryan

West Region
Becca Halbmaier

North Central Region
Beth Williams

South Central Region
Larry Barnett

East Region
Robert Belen
Records and Records Management

What are Public Records?
Format Neutrality
Common Records Formats
Temporary vs Permanent Records
Records Management Fundamentals
Principles of Records Management
Records Management Programs
What are Public Records?

KRS 171.410

“All books, papers, maps, photographs, cards, tapes, disks, diskettes, recordings and other documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency.”

Recorded information is a record.

Public records show evidence of government activities.
Format Neutrality

A record is considered the same record regardless of how it is kept (format). **Content determines record series and retention, NOT format.**

As long as non-permanent records are accessible and accurate, it is at the agency’s discretion whether they are kept in paper or electronic formats.

Maintain records in the format most appropriate for your agency’s needs. If records are accessed less, it’s okay to maintain them in paper format or to store offsite.
Common Records Formats

Eye Readable
- Paper
- Physical Photos
- Microfilm

Machine Readable
- Email
- Digital Images
- Audio/Video
- PDF

Records with a non-permanent retention may be retained electronically or in paper, regardless of how they originated.

Permanent records that were originally created in paper must be maintained in an eye-readable format per KRS 171.450. If the permanent records are born digital, they may be maintained digitally.
No local government permanent records may be destroyed without prior approval by the State Archivist/KDLA Commissioner.
**Original Record Format**

- **Machine Readable**
  - Permanent Retention
    - Must Retain Record Permanently. Choose best format for agency needs. Create microfilm for security.

- **Eye Readable**
  - Non-Permanent Retention
    - You have a choice! Retain in the best format for your needs. **Must remain useable and accessible throughout retention period**
  - Permanent Retention
    - Must retain record permanently in original format. Create microfilm and/or digital image for security.
Records management is the systematic control of recorded information, regardless of format, from original creation to ultimate disposition. Every office creates records, which may be paper, microfilm, electronic, or some other format.

A publicly-funded agency is required to have a records management program and to work with KDLA to implement that program.
Principles of Records Management

- Records must remain accessible AND usable for the entirety of appropriate retention period.

- Destruction of records must be authorized by approved retention period.

- Records retention is agency-wide. Every employee who creates, receives, or maintains records is responsible for records management and retention.
Records Management Program

KNOW WHAT YOU HAVE
- records inventory
- records retention schedule

KNOW WHERE IT IS. BE ABLE TO ACCESS IT
- active records management
- electronic records management
- inactive records management

GET RID OF WHAT YOU DON'T NEED WHEN YOU DON'T NEED IT
- records disposition
- records destruction
- archival records management

PROTECT WHAT YOU DO NEED
- vital records protection
- disaster recovery planning
Format Considerations

Why Choose Electronic Records?

Telework Records
Format Considerations

**Physical Items**
Can be “stored and ignored” under optimized conditions with the expectation that you can go back and access them again at any time.

**Digital Items**
Cannot “store and ignore.”
Dependent on hardware/software, which becomes obsolete over time.
Files stored on obsolete hardware or in obsolete formats are essentially “trapped.”
Why choose electronic records?

Benefits
- Accessibility
- Organization
- Secure digital storage and backups

Concerns
- Disorganized, unidentified files
- Hard to apply retention
- Why not keep electronic records forever?

Considerations to Consider when Deciding between Electronic or Physical Formats
- Neglect
- Storage Media
- Security
- Long vs. Short-term storage
- Active vs. Inactive Records
- Access
- Frequency of Use
- Funding
Telework Records

Staff working remotely should continue to manage all records in accordance with their agency policies and procedures and follow all appropriate state statutes and regulations.

Reminder: A record is considered the same record regardless of how it is kept/created (format). Content determines record series and retention, NOT format.
Tip: Email/text/chat/social media are formats not classes or types of records. Each of these types or records have different retention periods based on the applicable retention schedule.

Records created in remote locations will follow the same retention as those created in agency offices. Standardized policies and procedures should be created and followed for how those records will be managed and preserved, including who is responsible for creating, which version will be considered the record (versus a use or reference copy) and how they will be transferred (i.e. email).
Email

Email Messages
Email Issues
Common Types of Email Records
Email* Messages

- Are public records
- Are subject to open records requests
- Are discoverable in legal proceedings
Email Issues

Many legal difficulties stem from personal use

Assumption that email messages are private and not subject to open records requirements

Encourages “conversational atmosphere” as opposed to more formal, business-like communication

Record is no longer a static document

Disposal can be difficult

Commonly considered to be the riskiest form of business communication
What type of record is it?

➔ Email is a communications medium, not a class/type of record (see it as an ENVELOPE)

➔ An infinite number of record types are sent via email

➔ Each of these types of records have different retention periods based on the applicable retention schedule

FOLLOW YOUR RETENTION SCHEDULE!
Common Types of Email Records

- **Official Correspondence** (L4954 - Retain Permanently): documents agency policy and procedures, history, functions, etc.
- **Routine Correspondence** (L4955 - Retain 2 years): Non-policy in nature, business related, but not critical to the agency’s operations
- **Information and Reference Material** (L4956 - Destroy when no longer needed)
- **Non-Business Related Messages** (L5866 - Destroy Immediately)

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**Non-Business Related Email (L5866)**

- Personal Messages - needs to be a balance between use and abuse. Could create a risk (viruses, legal liability, embarrassment)
- Spam - problems with volume, viruses, offensive nature
- Unsolicited Email - unwanted email not work related, considered a type of spam
  - Advertising from vendors
  - Non-work related email from co-workers
    - Jokes
    - News articles
    - General (not-work related) announcements
Email is RECEIVED

Is it Agency Business?

NO → Delete as Soon as Possible

YES → DETERMINE CATEGORY OF RECORD

- Information and Reference
  - DELETE When no Longer Needed

- Non-Permanent Record
  - File and Delete According to Retention Schedule

- Permanent Record
  - Retain in Permanent File
Social Media

- Social Media as a Public Record
- Social Media Challenges
- Social Media and Retention
- Schedules
- Social Media Reminders
Social media refers to the various activities integrating web technology, social interaction, and user-generated content. Social media includes blogs, wikis, microblogs (Twitter), social networks (Facebook), photo libraries (Flickr, Instagram), location-based services (Foursquare), and video sharing sites (YouTube, Vimeo).

The Public Records Act (KRS 171.410-171.740) defines public records as, “...documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency.” Social media content meets this definition and must be managed in accordance with all applicable laws and regulations.
The dynamic and collaborative nature of social media may lead to the following challenges:

- Recordkeeping in a collaborative environment;
- Content located in multiple places;
- Identification of record series;
- Implementation of records schedules, including the ability to transfer and permanently delete records or perform other records management functions;
- Capture of frequently updated records;
- Handling of records containing personally identifiable information.

To address these challenges, agencies should articulate clear processes, policies, and recordkeeping roles and responsibilities to ensure social media records are identified, managed, and captured.
A list of questions to determine whether a social media post is/contains a public record and should be preserved and captured:

- Does it contain evidence of an agency’s policies, business, or mission?
- Is the information only available on the social media site?
- Is this tool being used in relation to the agency’s work?
- Does the agency use the tool to convey official agency information?
- Is the agency directly communicating with the public through the use of social media?
Social Media Reminders

Agencies may discontinue use of social media platforms at any time. This does not relieve the agency of its records management duties and requirements.

Social media may include comments or other postings which are inconsistent with an agency’s policies and may require removal from the site. Problematic comments or posts to social media that are threatening or seriously offensive can be removed per your agency’s policy.

This does not mean they have to remain publicly viewable as long as they are retained securely.
Retention Schedules

What is a Retention Schedule
What does a Retention Schedule do?
Types of Retention Schedules
Examples of Retention Schedules
I Can’t Find My Series!
Unscheduled Records
A records retention schedule is a list of each record type, termed a “RECORD SERIES”.
A record series is either a document or set of documents maintained together because they relate to a particular subject or function, result from the same activity, take the same form, or because of some other relationship arising out of their creation, receipt or use.

Schedules Include:
- Title of Record
- Record Series Number (local agency series L####)
- Description of record series and contents
- Disposition instructions which explain how long to maintain the record and what to do once retention period has ended.
What does a Retention Schedule do?

- Schedules are used to categorize records
- Schedules describe records
- Schedules provide instruction on records maintenance
Types of Retention Schedule

General
Covers records common to all or most agencies

Local Government General Records
- Personnel
- Legislative
- Administrative
- Financial
- Payroll
- Planning and Zoning
- Law Enforcement
- Fire Dept
- EMS
- 911
- Utilities

Agency Specific
Covers records specific to an agency
- Municipal
- County Judge Executive
- County Clerk
- Sheriff
- County Attorney
- Jailer
- Coroner
- Area Development District
- Health Department
- Public School
- Library

ALL LOCAL AGENCY SCHEDULES CAN BE FOUND ON KDLA WEBSITE:
https://kdla.ky.gov/records/recretentionschedules/Pages/default.aspx
Local Governments

General Records Retention Schedule

Prepared by the Local Records Branch
Archives and Records Management Division
Approved by the State Libraries, Archives, and Records Commission
GLOSSARY OF TERMS
For
Records Retention Schedules

Permanent (P)  Denotes records appraised as having historical, informational or evidential value that warrants preserving them permanently (forever) beyond the time needed for their intended administrative, legal or fiscal functions. These records may be destroyed only after the written permission is given by the State Archivist and after they are microfilmed according to specifications published by the Department for Libraries and Archives.

Confidential (C)  Records deemed unavailable for review by the public after applying the state’s Open Records Law (KRS 61.878) and other state and federal statutes and regulations with specific restrictions. The (C) is added to appropriate record series descriptions as a reminder to agency personnel and does not bear any legal status. It is important to note that the local government head has the responsibility of knowing all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained in their office and to see that they are enforced. Even though a record series may or may not be marked confidential on a records retention schedule, contradictory laws or regulations that are approved after the retention schedule has been completed may not be reflected but must be honored.

Vital Record (V)  Records that are essential to the continued functioning of the local government during and after an emergency, as well as those records that are essential to the protection of the rights and interests of that local government and of the individuals for whose rights and interests it has a responsibility. Local Government should have a plan in place to identify those records and provide for their protection in case of a disaster (fire, flood, earthquake, etc.).

Duplicates  Duplicate records that have not been assigned a retention period and function solely as reference and informational material may be destroyed when no longer useful. If the duplicate is considered the “copy of record”, it must be retained according to the retention period on the schedule.

Destruction Certificate  A destruction certificate should be used to document the destruction of public records and may be found, along with the instructions at the Kentucky Department for Libraries and Archives website (www.kdla.ky.gov). It should be used when destroying records according to the appropriate records retention schedule. No record created or maintained by a local government agency may be destroyed unless it is listed on the retention schedule and a destruction certificate completed and the original copy sent to the Department for Libraries and Archives (Department).

After Audit  A term used in the disposition instructions to denote a records series that shall only be destroyed after the retention period has expired and an official audit has been performed. Example: 3 years and audit: This means that the record series must be kept for 3 years after last activity or date in a file. The record must have gone through the annual audit before it can be destroyed.
RECORDS RETENTION SCHEDULE

Signature Page

Local Government General Records Agency
Unit

June 12, 2014 Schedule Date
December 13, 2018 Change Date
December 13, 2018 Date Approved By Commission

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APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Agency Head

Agency Records Officer

State Archivist and Records Administrator
Director, Archives and Records Management Division

Chairman, State Libraries, Archives, and Records Commission

Date of Approval

Date of Approval

DEC 14 2018 Date of Approval

Date of Approval

------------------------------------------------------------------

The undersigned Archives and Records Management Division staff have examined the record items and recommend the disposition as shown:

Records Analyst/Regional Administrator

Archival Analyst

State Local Records Branch Manager

Date of Approval

12/14/18 Date of Approval

12/14/18 Date of Approval

12/13/2018 Date of Approval

------------------------------------------------------------------

The determination as set forth meets with my approval.

Auditor of Public Accounts

Date of Approval

12/13/2018 Date of Approval
<table>
<thead>
<tr>
<th>Records Title and Description</th>
<th>Function and Use</th>
<th>Access Restrictions</th>
<th>Contents</th>
<th>Retention and Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts Receivable File (V)</td>
<td>This record series documents fee receipts, tax receipts, receipts from parking, park and recreation receipts and any other monies received through daily transactions. These are filed according to fund/account and are maintained to document all income from all sources.</td>
<td>None</td>
<td>This record series may contain: Receipts, billing data and supporting documentation.</td>
<td>Retain for three (3) years, then destroy after audit.</td>
</tr>
<tr>
<td>L5001 Banking Records File</td>
<td>This record series documents all banking transactions, including payroll and is maintained to verify the checks written and reconciliation of accounts. It is also used as an audit trail and a reference.</td>
<td>None</td>
<td>This record series may contain: Cancelled check and warrants, bank reconciliation, bank statement, check stubs, duplicate copies of checks and deposit ticket.</td>
<td>Retain for three (3) years, then destroy after audit.</td>
</tr>
<tr>
<td>Uniform Financial Information Report (V)</td>
<td>The record series documents the financial status of a county, city, special district or special district from a revenue and expenditure perspective as well as indebtedness. Beginning in the 1990-1991 Fiscal Year, KRS 65.905 required the filing of uniform financial information reports with the Department of Local Government. The Department of Local Government in cooperation with the United States Bureau of the Census developed the report so that a single report would meet the needs of both agencies. In addition, the Department of Local Government is to consult with the Legislative Research Commission and determine an electronic format for providing all reliable data from the report to the Legislative Service Commission. Failure to submit the report shall make the local government ineligible to receive county or municipal road aid money. KRS 65.925 provides that the Department of Local Government file a copy of the report with the County Clerk.</td>
<td>None</td>
<td>This record series may contain: Name and address of the city followed by a multi-part form covering such categories as: (1) Tax Rates; (2) City Revenue; (3) City Transfers and Proceeds from Long Term Debt; (4) Contact Information; (5) General Fund Expenditures; (6) Personnel Expenditure; (7) Cash and Investments at the End of the Fiscal Year; (8) New Indebtedness and (9) New Capital Lease Agreements over $50,000. The instrument is an 11-page document with 1,085 data elements to be completed by the reporting agency.</td>
<td>Retain for three (3) years, then destroy after audit.</td>
</tr>
<tr>
<td>Charitable Gaming Organization Activity Registration Form</td>
<td>This record series documents the registration of an organization conducting charitable gaming. The organization conducting the gaming activity and receiving the proceeds from the activity shall be a charitable, religious or fraternal society receiving a Federal Internal Revenue Code tax exemption must have had that federal tax-exempt status five years prior to the gaming activity. K.R.S. 528.130 states that charitable gaming shall be a defense to any prosecution under this chapter as long as the organization has registered with the county clerk and fulfilled the requirements of Sections 1-10 of K.R.S. 528.130. The County Clerk receives a fee of five dollars for the registration. The statute provides no information on the length of time for the registration. Accompanying the form will be documentation certifying the tax-exempt status of the organization.</td>
<td>None</td>
<td>This record series may contain: Name of organization, address, telephone number, type of organization (religious, charitable, fraternal), type of charitable gaming activity, signature of person responsible for registration, date, deputy clerk signature, date, type of filing (initial, quarterly, or termination).</td>
<td>Retain for five (5) years, then destroy after audit.</td>
</tr>
</tbody>
</table>
I Can’t Find My Series!

If you cannot find the series you are looking for or cannot seem to find a good fit, you can contact your Regional Administrator for assistance. Be prepared, since each agency keeps their records according to their own needs, your RA will most likely ask you several questions to find the best fit for your records. Those questions may include:

★ What is this record used for?
★ Did it originate in your agency?
★ Do other agencies use/keep it? Are they required to keep it?
★ Is it subject to Audit?
★ How have you managed the record in the past?
★ How long do you think it should be kept?
★ Is this the only copy? Do you have the “record copy”?
Records cannot legally be destroyed without the authorization of a schedule. The default retention period for records not listed on a schedule is permanent, because there is no authorization to destroy them.
Destruction of Records

Legal Destruction
Suspension of Destruction
Destruction Guidelines
Destruction Certificate
Legal Destruction

- Destrucions are determined by the Records Retention Schedule.

- The Agency must designate one copy as the “record copy” to meet retention requirements. Other copies can be considered duplicate.

- Use KDLA Destruction Certificates (links at end).

- Destruction Certificates are Permanent Records for your agency (L4967). A copy should be forwarded to KDLA.

- Destrucions should always be part of the “normal course of business”.
DESTRUCTION OF RECORDS MUST BE SUSPENDED IN CASE OF LITIGATION, PENDING LITIGATION, OR AN ONGOING OPEN RECORDS DISPUTE.
Destruction Guidelines

- Confidential documents should be shredded or recycled in a locked bin. When in doubt, treat as confidential.
- Other Records can be disposed of in a Landfill.
- Recycling Vendors should be Bonded and Licensed.

Guidelines are available on KDLA website: https://kdla.ky.gov/records/Documents/Destruction%20Guidelines.PDF

CONSIDER ACCESS RESTRICTIONS
RECORDS DESTRUCTION CERTIFICATE INSTRUCTIONS

The Records Destruction Certificate is a fielded Microsoft Word form that should be used by Records Officers to document destruction of records at an agency. A printed copy of the completed and signed form should be sent to the Archives and Records Management Division.

Fill in the data on the Records Destruction Certificate (form ARM 58) as follows:

- **Date:** Enter the month, day, year the Certificate is prepared.
- **Cabinet/Local Jurisdiction:** Enter your agency’s cabinet or local jurisdiction.
- **Department/Local Government Office:** Enter the name of department or local government office which falls under the entity listed above.
- **Division:** Name of division which falls under entity listed above.
- **Branch/Unit:** Name of branch or unit which falls under entity listed above.
- **Schedule Date:** The month and year the current Records Retention Schedule for your agency was approved by the State Archives and Records Commission. This information can be found on the signature page which accompanies the retention schedule or the top right-hand side of the first schedule page.
- ** Destruction Date:** Indicate the date the records were disposed of.
- ** Destruction Method:** Indicate the method used to dispose of the records, i.e., landfill, trash, recycle, shred, etc. using the drop-down menu.
- **Series No.:** Enter the series number from your agency’s Records Retention Schedule or applicable general schedules for the record(s) you are destroying. Multiple series can be recorded on the Destruction Certificate.
- ** Title of Records:** Enter the title of the record(s) exactly as shown in your agency’s Records Retention Schedule, or the appropriate general schedule.
- ** Date Span:** Give the inclusive (oldest and most recent) dates of the records destroyed.
- ** Volume:** Indicate the amount of each series of records destroyed. This may be in cubic feet (if the records are in paper format), megabytes (if the records are in digital format), or some other unit of measure (for other formats). If the records are in other formats, click the box next to the empty field and complete that field.
- **Total Volume of Records Destroyed:** Enter the total volume of records destroyed.
- **Approvals and Certifications:** Agency Records Officer or records custodian signs and dates the form, certifying destruction of records.

Forward the original signed copy of the Records Destruction Certificate, plus one photocopy, to either the State Records Branch (if it is a state record) or the Local Records branch (if it is a local record) of the Archives and Records Management Division, 300 Coffee Tree Road, P.O. Box 537, Frankfort, Kentucky, 40602. Retain one paper or electronic copy for your agency’s files.
# Records Destruction Certificate

**Kentucky Department for Libraries and Archives, Archives and Records Management Division**

**Cabinet/Local Jurisdiction:**

**Department/Local Government Office:**

**Division:**

**Branch/Unit:**

**Drop Down Menu: Reminder:** Destroy with same level of security and confidentiality as maintained.

**Date:**

**Submit completed Destruction Certificates to KDLA. Destruction Certificates can be submitted by mail or email. Contact your Regional Administrator with any questions.**

### For records destroyed at agency only, per approved retention schedules

<table>
<thead>
<tr>
<th>Series No.</th>
<th>Title of Records</th>
<th>Date Span</th>
<th>Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cubic Feet</td>
</tr>
</tbody>
</table>

**Total Volume of Records Destroyed**

**Approvals and Certifications**

**Before destroying records not listed on the agency's retention schedule or applicable general schedules, approval must be obtained from the State Archives and Records Commission.**

**I hereby certify that the records described above have been destroyed.**

**Agency Records Officer or Records Custodian signs and dates.**

*Please include printed names for legibility if needed.*

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**Reminder:** Schedules may be updated multiple times per year. Please make sure to use the most current version.

**Reminder:** Series Numbers that begin with “L”

**Reminder:** You can also include alternate or specific titles of records in this section for your needs and future reference.

**Reminder:** Multiple Series and Titles can be recorded on one Destruction Certificate.*

*Multiple Series and Titles can be recorded on one Destruction Certificate.*

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**Reminder:** Be as detailed as you need. Please include at minimum County and Local Agency Name.

**Reminder:** Amount of records destroyed for each series: Paper records most often recorded in cubic feet (1 paper box – approximately 2 cubic feet). Electronic records most often use MB or KB.
Further Training and Information

http://kdla.ky.gov
The Local Records Branch at KDLA is creating training and records management guidance to assist with records management programs. There are several guidance documents available currently but if there are particular topics that are important to you, please contact your Regional Administrator.
KDLA has many resources to help manage records in all formats. Don’t hesitate to contact KDLA with any questions or concerns about records management issues. We want to help!

KDLA website:
https://kdla.ky.gov/Pages/default.aspx

Retention Schedules and Destruction Certificates:

Local Records Grant Program:
https://kdla.ky.gov/records/recmgmtservices/Pages/LocalRecordsProgramGrants.aspx

Local Records:
https://kdla.ky.gov/records/recmgmtservices/Pages/LocalGovernmentRecordsServices.aspx

Records Management:
https://kdla.ky.gov/records/recmgmtguidance/Pages/default.aspx
GET RID OF WHAT YOU DON’T NEED WHEN YOU DON’T NEED IT
REMINDER: PERMANENT RECORDS CANNOT BE DESTROYED WITHOUT PRIOR WRITTEN APPROVAL FROM KDLA.
Local Records Branch Services

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