Records Management Essentials for Government Employees

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1. Public Records Management Act

1.0. Public Records Management Act (PRMA)

Two chapters of Utah Code primarily govern the access and management of government records. The first is the Government Records Access Management Act (GRAMA) which is Utah's open records law (Utah Code Section 63G-2-100-900). GRAMA establishes records access requirements for governmental entities. The Public Records Management Act (PRMA) mandates state ownership of government records and requires their effective management and care (Utah Code Section 63A-12-100). The Public Records Management Act also establishes the record keeping responsibilities of governmental entities. It defines the responsibilities of the Division of Archives and Records Service, the State Archivist, and the Government Records Ombudsman.

1.1. Definitions

The Public Records Management Act incorporates the definitions in GRAMA (Utah Code Section 63G-2-103). Definitions discussed in this training are those that are most relevant to records management. Definitions provide the legal meaning of terms used within the law. All who work with government records should readily understand the following definitions:

Record, 63G-2-103(22)(a)

Because the Government Records Access and Management Act (GRAMA) as well as the Public Record Management Act (PRMA) are about records, an understanding of what is meant by the term "record," is fundamental.

> **Utah Code Section 63G-2-103** – **Definitions**
> (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics:
> 　　(i) that is prepared, owned, received, or retained by a governmental entity or political subdivision; and
> 　　(ii) where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

The law defines a record according to three characteristics. It is documentary material that is prepared, owned, received, or retained by a governmental entity or political subdivision and is reproducible. The listing of many formats and inclusion "regardless of physical form or characteristics" means that records are not identified by format. Although GRAMA does not use the word "information," the words "information" and "record" are often used interchangeably. ISO (International Standard, 15489-1) defines a record as "information created, received, and maintained as evidence and information by an organization or person, in pursuance of legal obligations or in the transaction of business." Presumably, access to records is access to information, and managing records is managing information.

Records are prepared, owned, received, or retained by governmental entities. Records that are prepared include reports, minutes, email correspondence, budgets, and audio recordings. A record that was prepared by a private provider or contractor can be owned or retained by a governmental entity. Records that are received include things like bids, email, invoices, and applications for employment. A record must be reproducible by photocopy or other mechanical or electronic means. Unrecorded conversations contain information that cannot be reproduced and therefor are not records.

In its definition of "record" GRAMA lists some things that a "record" does not mean. This list includes personal communications unrelated to the conduct of the public's business, temporary drafts, material to which access is limited by the laws of copyright or patent, and junk mail or commercial publications.

Record series, 63G-2-103(23)

For purposes of records management, all records are organized into groups called record series.

> **Utah Code 63G-2-103** – **Definitions**
> (23) "Record series" means a group of records that can be treated as a unit for purposes of designation, description, management, or disposition."

The records within a record series are related in a logical way because they document a particular kind of transaction, function, or subject. They share a relationship based on their creation, maintenance, or use. According to the definition, government records are to be described, managed and disposed of at a record series level. Some examples of record series are: meeting minutes for a municipality, official student transcripts for a school district, and driver handbooks for the Department of Public Safety.

Schedule, 63G-2-103(23)

All record series are managed according to approved retention schedules. Scheduling is the process of determining how long records should be retained or the process of creating retention schedules.

> **Utah Code 63G-2-103** – **Definitions**
> (23) "Schedule," "scheduling," and their derivative forms mean the process of specifying the length of time each record series should be retained by a governmental entity for administrative, legal, fiscal, or historical purposes and when each record series should be transferred to the state archives or destroyed.

Scheduling begins with the identification and naming of a record series. The record series is described and appraised or evaluated to determine the appropriate length of time the records in a series need to be retained. The legal definition in GRAMA provides four values to consider when scheduling records.

- Records have **administrative value** for as long as they are needed to carry out the functions of a governmental entity.
- Records have **fiscal value** if they are needed to document the expenditure of public funds and to fulfill government financial obligations.
- Records have **legal value** if they are needed to provide evidence of the legal rights or obligations of government or its citizens, or to ensure compliance with laws and regulations.
- Records have **historical value** if they contain information that documents the history of government or the community. Records with historical value become part of the historical record of the state after their administrative, fiscal, and/or legal purposes have been served.

After considering all of these criteria, scheduling is complete when the State Records Committee or other authorized authority approves the retention period. This establishes the length of time the records in the series must be maintained. According to the legal definition, records must be either destroyed or transferred to the State Archives when that length of time has elapsed. The final destruction or transfer of records to the State Archives is called **disposition**.

1.2. Records are the property of the State

A fundamental concept of the Public Records Management Act is that records created by government are the property of the State. They are governed by statute and are not subject to the discretion of the government employees.

> **Utah Code 63A-12-105** – **Records are property of the state – Disposition – Penalties for intentional mutilation or destruction.**
> (1) All records created or maintained by a state government entity are the property of the state and shall not be mutilated, destroyed, or otherwise damaged or disposed of, in whole or part, except as provided in this chapter
> (2)(a) Except as provided in Subsection (2)(b), all records created or maintained by a political subdivision of the state are the property of the state and shall not be mutilated, destroyed, or otherwise damaged or disposed of, in whole or in part,…

The mandate that records shall not be mutilated, destroyed, or otherwise damaged or disposed of (except as provided) can be positively stated: records must be maintained and must remain accessible. Records are a valuable asset, and their preservation requires active attention. It is not enough that they are not inappropriately and deliberately shredded or deleted. They must not be mutilated or disposed of by virtue of neglect. Records that are not organized can become lost. Records on legacy formats can become inaccessible. Records stored in an unsafe environment can be damaged by exposure to the elements. Essential records that are not backed up can become lost through computer failure or disaster. Records are state property that must be appropriately protected.

The importance of maintaining government records is restated in the law, along with a declaration that intentional inappropriate destruction of records is a class B misdemeanor. Employees who intentionally and inappropriately destroy records may be subject to disciplinary action including suspension or discharge.

> **Utah Code 63A-12-105** – **Records are property of the state – Disposition – Penalties for intentional mutilation or destruction.**
> (3)(a) It is unlawful for a person to intentionally mutilate, destroy, or to otherwise damage or dispose of the record copy of a record knowing that the mutilation, destruction, damage, or disposal is in contravention of
> (i) a governmental entity's properly adopted retention schedule; or
> (ii) if no retention schedule has been properly adopted by the governmental entity, the model retention schedule, as provided in Section 63G-2-604.

Record copy

The statute isolates the legal requirement for maintaining records to the record copy. The record copy is the official copy. By definition records can be reproduced. Records are duplicated to create reference copies, access copies, working copies, backup copies, and so on, but the requirement of the law is to maintain one record copy.

Records retention schedules

Record copies of government records are to be retained according to either properly adopted retention schedules or the model retention schedule. The "model retention schedules" maintained by the State Archives, as defined in law, are commonly called General Retention Schedules.

General retention schedules

The General Retention Schedules provide descriptions of common record groups, along with pre-approved retention requirements. General schedules are available for immediate use, and are posted on the Archives website: archives.utah.gov→Records Management→Retention Schedules.

Some examples of general schedule items are:

1. Minutes of public meetings as required by the Open and Public Meetings Act are required to be maintained permanently;
2. GRAMA requests received by a governmental entity are required to be maintained for 2 years;
3. Transitory correspondence can be destroyed when its administrative need ends.

Note that the retention provided in the General Retention Schedules is a requirement and not a guideline. The code says, "The governmental entity shall maintain and destroy records in accordance with the retention schedule." This suggests that the legal requirement is not only to maintain records for the full length of the approved retention period, but also to destroy or transfer records to the State Archives when the approved retention period has expired.

Series-specific retention schedules

When a governmental entity has records that are not described in a General Retention Schedule, or if a governmental entity needs to have a retention period approved that is different than that provided in the General Retention Schedule, then proposed series-specific schedules should be submitted to the State Records Committee for approval. Once the State Records Committee, or other authorized body, approves series-specific retention schedules, they carry the same mandate for compliance as General Retention Schedules. Series-specific retention schedules are also available on the archives website: archives.utah.gov→Records Management→Retention Schedules.

1.3. Duties of governmental entities

The Public Records Management Act outlines the legal responsibilities of the chief administrative officer (CAO) and appointed records officers (ARO). The law does not identify specific job titles or positions for these individuals, but provides a description of the duties of each role.

Duties of a chief administrative officer

A basic premise to sound records management is that within each organization, the chief administrative officer is responsible for the overall program. This is not a full-time position, but it is formally designated to someone in a senior-level position who has access to other senior executives and can ensure program implementation across the organization. The accountable senior executive oversees the records management program. The Public Records Management Act (Utah Code Section 63A-12-103) and the Government Records Management and Access Act (Utah Code Section 63G-2-401) specifically define the records keeping responsibilities of the chief administrative officer. Some of these responsibilities are:

1. Establish and maintain an active records management program
2. Appoint one or more records officers to work with the State Archives
3. Ensure that employees who process records requests are trained
4. Document the governmental entity's organization and its functions, decisions, and essential transactions
5. Submit proposed retention schedules to the State Archivist for approval by the State Records Committee
6. Make determinations and respond to appeals of denials to records requests. This duty can be delegated.

> **Utah Code 63A-12-103** – **Duties of governmental entities.**
> The chief administrative officer of each governmental entity shall:
> (2) appoint one or more records officers who will be trained to work with the state archives in the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of records;

Duties of records officers

The chief administrative officer needs help to carry out a records management program. Therefore, PRMA stipulates that he or she shall appoint one or more records officers who will be trained to work with the State Archives. The responsibilities of records officers are simply enumerated:

- **Care of records.** This means active involvement with the records. A records officer should be willing and able to dedicate time to records management.

- **Maintenance of records.** This means taking the necessary steps to ensure that records remain accessible throughout their life cycle and that vulnerability due to neglect or disaster is minimized.
- **Scheduling of records.** Scheduling is the process of determining how long each record series should be retained by the governmental entity and when it should be destroyed or transferred to the State Archives.
- **Disposal of records.** The destruction of records is to be done only in accordance with a properly approved retention schedule. Records destruction should be documented.
- **Classification of records.** Classification is the process of determining whether or not a record or information within a record is exempt from disclosure.
- **Designation of records.** Designation means making a preliminary decision about the classification of records based on knowledge about the overall content of records or on evaluation of a representative sample of the information in the records.
- **Access to records.** The first stated intent of GRAMA is the provision of easy and reasonable access to unrestricted public records.
- **Preservation of records.** Records officers should take steps to ensure the preservation of records with long term or historical value.

A chief administrative officer may appoint one or more records officers and may divide these responsibilities among them. The importance of teamwork between the chief administrative officer, the appointed records officers, and the State Archives, as well as legal counsel, IT, and other professionals cannot be overemphasized.

1.4. Records management options for political subdivisions

The Government Records Access and Management Act ([Utah Code Section 63G-2-701](#)) authorizes political subdivisions to adopt internal ordinances or policies relating to records management practices that are applicable within their jurisdiction. This includes the opportunity to establish separate retention schedules. Local governmental entities that adopt their own records ordinances or retention schedules must provide copies of those schedules, policies, or ordinances to the State Archives.

> **[Utah Code 63G-2-701](#)** – **Political subdivisions may adopt ordinances in compliance with this chapter.**
>
> (1) (a) Each political subdivision may adopt an ordinance or a policy applicable throughout its jurisdiction relating to information practices including classification, designation, access, denials, segregation, appeals, management retention and amendment of records.
>
> (c) If any political subdivision does not adopt and maintain an ordinance or policy, then that political subdivision is subject to this chapter.
>
> (f) The political subdivision shall also report to the state archives all retention schedules, and all designations and classifications applied to record series maintained by the political subdivision.

1.5. Duties of the Division of Archives and Records Service (63A-12-101)

Utah State Archives and Records Service is a division within the Department of Administrative Services (DAS). It is most often referred to just as the State Archives. The Public Records Management Act (PRMA) outlines the responsibilities of the State Archives, which include oversight of the state's records management program and providing records management services to all governmental entities. The Archives provides direction and assistance to all governmental entities through developing and maintaining retention schedules, through training, and by establishing and publishing standards and guidelines. The Archives provides staff support for the State Records Committee, administers the Public Notice Website, and appoints a Government Records Ombudsman. The Archives is the authorized repository for historical government records and provides access to them in the Archives Research Center and online.

Administer the state's archives and records management programs

As one element of the state's records management program, Utah State Archives and Records Service manages the **State Records Center** in Clearfield to provide warehouse storage of paper records for governmental entities. Records stored here remain in the custody of the governmental entity. A general guideline is that records are eligible for records center storage if they are accessed less frequently than once a month. Although there is no storage cost, records must be housed in standard boxes and delivered to the center or sent through State Mail. When records are needed for any reason governmental entities may request that the Archives pull and return boxes or files. The Archives does not provide any public access to these records. Additional information about storing records in the State Records Center is available on the State Archives' website.

The State Archives operates a **central microphotography program** to help facilitate long-term preservation. In its imaging center the Archives reformats records through the use of digitization, microfilming, and digital-to-microfilm and microfilm-to-digital conversion.

Although microfilm is becoming an obsolete access format, it is a viable format for long-term preservation. The Archives still microfilms some historical and long-terms records, and develops film from lingering microfilm cameras around the state. Digital images are being converted to microfilm in order to create a preservation copy of records for which permanent retention is critical. Typically, the microfilm is being created from images that are transferred to the

Archives through a safe file transfer, and governmental entities are keeping the digital images for their own use.

As the use of microfilm and microfiche is diminishing, the Archives imaging center is digitizing images stored on these media to make them more accessible. The Archives can be a resource for helping governmental entities recover records from any obsolete media.

More information as well as a fee schedule for Archives central microphotography services is available on the Archives website.

Establish standards and develop training

All governmental entities are responsible for managing their own records with assistance from the State Archives. In addition to tangible services, the Archives educates and assists records officers. Archives outreach efforts include the following:

- The Archives publishes guidelines, which are available on the Archives' website. For example, email guidelines and social media guidelines are designed to help government employees manage email and social media. Governmental entities may use these guidelines to develop their own email and social media policies.
- The Archives publishes a blog, "Record Keepers – Utah State Archives," in order to communicate information to records officers about upcoming events, general schedule proposals, and records management topics. Records officers who subscribe to the blog will receive an email notice about new posts.
- The Archives provides training on both records management (PRMA) and records access (GRAMA). The Archives hosts conferences and webinars on records issues, and responds to requests for training and invitations to speak at special events. It is also the specific responsibility of the State Archives to provide online certification. All records officers are required to complete online training and to annually certify by passing an online test (with a score of at least 75%), with the exception of records officers for the courts and legislature. The State Archives provides a list of all records officers and their certification statuses on its website at archives.utah.gov/opengovernment/aro-reports.html.
- Archives records analysts are available to answer records management questions, and upon request will make in-office visits to assist with records inventories or training.
- The Archives manages the Public Notice Website and provides assistance on its use.
- The Archives provides support to the State Records Committee which approves records retention schedules and hears appeals on records access issues.
- The Archives appoints a Government Records Ombudsman whose job is to understand the Government Records Access and Management Act (GRAMA), and to assist records officers who are responding to GRAMA requests and to mediate disputes over records issues upon request.

- The Archives publishes model forms for records officers to use for sharing records of responding to records requests.
- The Archives hosts the Open Records Portal, which is a central online location where anyone can make a GRAMA request to any governmental entity. The Open Records Portal includes the name and contact information for records officers who respond to GRAMA requests. It also provides links to online records and series-specific retention schedules. The Archives plans to expand the Open Records Portal to include more opportunities for records officers to interface with the State Archives.

Prepare schedules for the appropriate retention and orderly disposal of government records

A primary role of the State Archives is the preparation of retention schedules for government records. The process for creating and approving an agency-specific retention schedule includes the following steps:

1. The governmental entity identifies and describes a record series, and submits it to the State Archives as a proposed retention schedule.
2. The State Archives reviews the proposed retention and approves it or provides further direction.
3. The governmental entity's chief administrative officer reviews the proposed retention schedule and authorizes it with his or her signature.
4. The State Archives posts the proposed retention schedule on its website to allow public comment and distributes copies to members of the State Records Committee for their review.
5. Members of the State Records Committee discuss proposed schedules in an open meeting and approve them by majority vote. Proposed schedules not approved are returned for further consideration.
6. The State Archives posts approved retention schedules on its website. State Records Committee approval authorizes governmental entities to maintain and destroy records according to the schedule.

The State Archives is the authorized repository for historical government records

The State Archives is the official repository for the state's historical records and the State Archivist is the official custodian of noncurrent records of permanent value. PRMA describes three situations in which records and their custody are to be transferred to the State Archives:

1. When a governmental entity no longer wishes to maintain records that must be maintained or when historical records have met retention.
2. When an agency becomes obsolete.
3. When the State Archivist determines that records are not adequately being safeguarded and asks the attorney general to replevin them.

When custody of records is transferred to the State Archives, the Archives is thereafter responsible for preservation and storage as well as for providing access. The records are available through the Archives' Research Center.

2. Basic Records Management Principles

2.0. Basic records management principles

Records management is the "field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use, and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records."[1] A records management program provides intellectual and physical control over the records produced, maintained, and disposed of by an entity in the course of fulfilling its business functions. In addition to the legal requirements for establishing a records management program discussed in section one, there are many practical reasons to organize and use a good records management system.

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[1] ISO IS 15489-1:2001(E): Information and documentation – Records management – Part 1: General, 3.16. International Organization for Standardization, Geneva, Switzerland, 3.

2.1. Benefits of establishing and maintaining a records management program

Establishing and maintaining an effective records management program is a business solution. An organized records management system increases the efficiency of office operations; being able to quickly find the record you need when you need it makes it easier to accomplish your work. Records document business processes and decisions that the state has paid for; their loss requires resources to redo the work, and some losses may not be recoverable. Records storage—whether in a warehouse, on a network server, or in the "cloud"—costs money, and storing information that no longer has an administrative, fiscal, legal, or historical value is not a good use of already-strained funds.[2] It is estimated that more than 50 percent of the paper and electronic information that organizations currently store does not have any business or historical value and could be destroyed (as authorized via a retention schedule).[3]

Your conscientious efforts to manage records will help reduce risks and costs associated with data security breaches, litigation, audits, natural disasters, and unlawful records destruction. Privacy, data protection, and identity theft have become issues of concern, and records officers can help to protect their agencies by retaining and disposing of their records according to schedule. Establishing and following retention schedules provides a safe harbor in times of litigation and audit.

A key benefit of an effective records management system is increased government transparency and accountability. One of the ways government can be accountable to the public is through appropriate management of, and access to, government records. As a steward of your entity's records, you help provide that critical accountability. Documenting the decisions and functions of your agency also provides a resource to refer to when making future decisions and preserves the history of your agency. You are in a position to affect, in a positive way, the documented history of the state. By providing evidence of governmental and cultural activity, you help form and preserve the state's cultural identity and collective memory.

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[2] Utah Department of Administrative Services. Division of Archives and Records Services, "Electronic records management business case," Utah State Archives Website, last modified September 4, 2008, accessed February 17, 2015, http://archives.utah.gov/recordsmanagement/erm/ERMBusinessCase.pdf.
[3] Richardson, Blake. *Records Management for Dummies*. John Wiley & Sons, Inc., 2012, p. 36.

2.2. Analyzing and assessing your records

When beginning an assessment of your agency's records, it is important to understand what qualifies as a record and what does not. As discussed in the previous section, a record has three characteristics: it is documentary material, regardless of format, that is prepared, owned, received, or retained by a governmental entity or political subdivision, and is reproducible.[4]

Government records are prepared by any person who is acting as an official representative of government. Records may be received and/or retained in order to carry out a government function.

Under Utah statute, "record" does NOT include: personal communications and papers prepared and received by an employee or officer of a governmental entity while she or he is not acting in a governmental capacity or conducting the public's business; temporary drafts; material that has been copyrighted or that belongs to a library collection; or proprietary software or a computer program.[5] Separating non-records from records is important for good records management. For example, personal emails should not be stored in one's work email account; personal documents should not be stored on one's work computer.

The process of determining whether an item is or is not a record can be complicated and misunderstood at times. For instance, if a temporary draft is never destroyed and a final version is not adopted, then the draft ceases to be temporary and may be a record. The second factor in determining if a draft is a record regards the way that it is used and shared. A draft is not considered a record if it is "a provisional, interim, or stopgap rendition of information" created for a government employee's personal work processes (such as field notes taken in preparation for completing a subsequent report).[6] This type of draft is not circulated, stored in a shared document management system, or relied upon for making agency decisions.

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[4] Government Records Access and Management Act, Utah Code Ann. §§ 63G-2-103(22)(b) (Supp. 2014). Accessed February 18, 2015. http://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S103.html.

[5] Ibid.

[6] Cundiff, Rosemary. "Classifying drafts." Utah Department of Administrative Services, Division of Archives and Records Service. Last modified May 24, 2016. Accessed May 25, 2016. http://archives.utah.gov/opengovernment/classifying-drafts.pdf.

Another type of item that can be difficult to identify as a record or non-record is social media. Content on a social media site, such as a blog or Facebook site, that relates to government business is a record and must be treated as such. A wiki may be part of a project file; a blog post may be considered a publication or a press release depending on its content (see the State Archives' Preliminary Guidance on Government Use of Social Media for more information).

One of the most difficult concepts in defining and recognizing records is understanding databases. Database *systems* are not records, but they contain records and information which must be managed. People sometimes use the term 'database' when referring to the information itself. A database system is like a cupboard, used to store and organize documents or to aggregate tables of data, but a database is not a records management system. It is mandated through law that each state governmental agency establish record retention schedules for any electronic records created or received in an electronic transaction.[7] The data held in an agency's database documents, among other things, business functions and transactions, and may, therefore, be records. Records officers need to have an understanding of what information is contained in their databases and how to manage it.

Records can be created and stored as paper, photographs, maps, drawings, microfilm, digital images, spreadsheets, email, databases, tweets, and a variety of other formats. For the purpose of identifying records, the medium or format is irrelevant; it is the content of the record that is important when determining its value and how long it should be kept. The record should be appraised to determine its administrative, fiscal, legal, and/or historical value, as described in section one, and its retention period should then be based on the appraisal. Transitory records may document official work activities, but they have temporary value and do not need to be retained once their intended purpose has been fulfilled. Transitory records include requests or reminders to do a routine task, simple inquiries about policies, office location and hours, etc. Examples of transitory records include an invitation to a team meeting, an email used to send a document (the attached document will need to be appraised and maintained separately), assignments for the work holiday party, etc.

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[7] Uniform Electronic Transactions Act, Utah Code Ann. §§ 46-4-501 (Supp. 2011). Accessed February 18, 2015. http://le.utah.gov/xcode/Title46/Chapter4/46-4-S501.html.

2.3. Understanding the functions of your agency and the records you should create and maintain

Governmental entities exist in order to carry out the public's business.[8] The particular function or business that a governmental entity is responsible to carry out is defined in law. The chief administrative officer of an agency, with the help of her/his records officer(s), must make sure that records are created to enable the governmental entity to effectively carry out its mission and to document accountability for the fulfillment of its mission. For example, Fleet Operations is charged with handling state vehicle acquisition, repair, preventative maintenance, and fueling. The division will need to keep records in order to document which cars were acquired, who drives the cars, and when and where they were fueled; the division will need to keep maintenance records for all cars. Every chief administrative officer and records officer should analyze their agency's functions and not only consider the records that the governmental entity is currently keeping, but fundamentally consider whether or not their record keeping is adequate. They should also consider whether or not unnecessary records are being created.

Begin your analysis by conceptualizing what your agency does and how it does it. Each government agency has administrative functions and unique business functions. Administrative functions include processes such as human resource management, budgeting, and policy creation, and are held in common by many government agencies, although they may be centralized for state agencies (e.g. Department of Technological Services). Unique business functions support particular services, such as mosquito abatement, Medicaid eligibility screening, or overseeing horse race meets in the state of Utah. Agency functions can often be found in state statute or city ordinances.

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[8] Government Records Access and Management Act, Utah Code Ann. §§ 63G-2-103 (Supp. 2014). Accessed February 18, 2015. http://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S103.html.

MOTION PICTURE INCENTIVE PROGRAM function flowchart
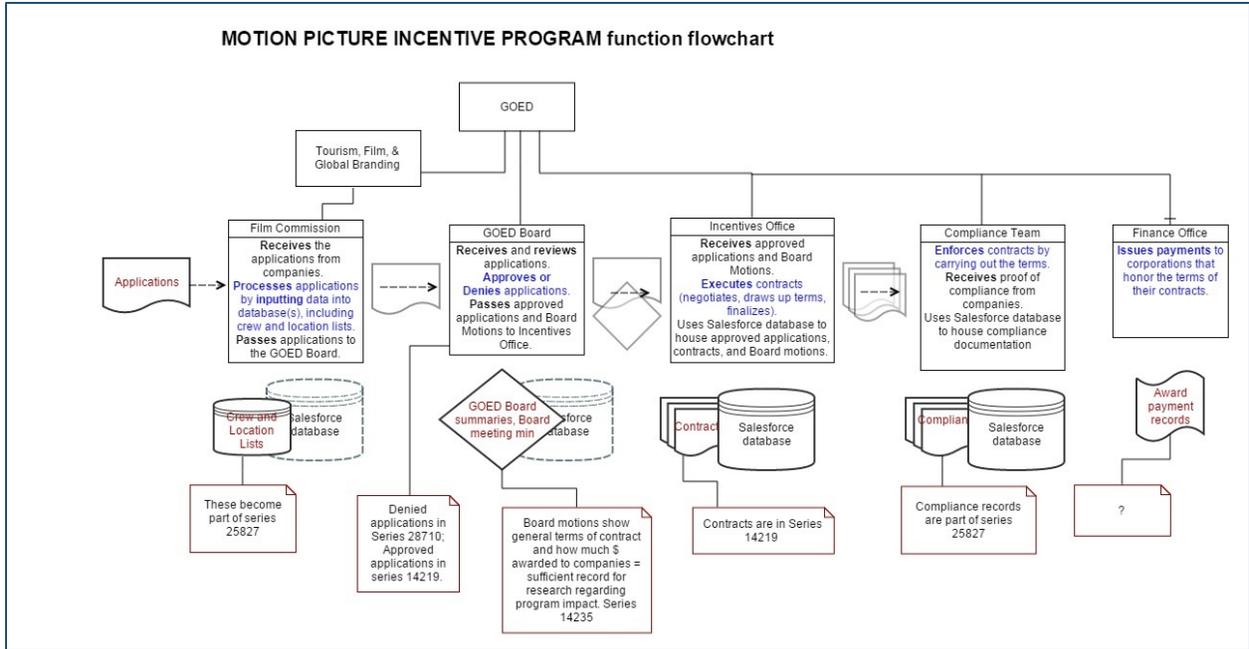
After identifying your agency's functions, think about how you document what your organization does; this will demonstrate how your agency's records relate to its business processes. From this analysis you could create a document that shows your agency's functions, activities, and transactions in a hierarchical relationship, or a diagram of your processes that illustrates the points at which records are produced or received as a result of agency activities. Pictured above is an example of a workflow chart for the Utah Film Commission's application process to participate in the Motion Picture Incentive Program. This type of evaluation is especially vital to perform in an electronic business environment where adequate records will not be captured and retained unless a records management system is designed with forethought and understanding regarding the agency's functions.[9]

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[9] ISO 15489-2:2001(E): Information and documentation – Records management – Part 2: Guidelines. International Organization for Standardization, Geneva, Switzerland, 3-4.

2.4. Scheduling the lifecycle of your records

Records should be managed at each stage of their lifecycle, from the time that they are created to the time that they cease to hold any administrative, legal, or fiscal value, and are destroyed or are preserved for their historical value.

The lifecycle of a record is: creation, maintenance and use, and disposition. In the first phase, a record is created, received, or captured. In the second phase, records are maintained and used actively or inactively until retention is met. Records being actively used should be housed in a way that allows for easy access and minimizes loss or physical damage to the materials. Active records are often used by many people and need to be tracked for retrieval purposes. Inactive records are used less than once a month but must be retained for occasional reference or to meet audit or legal obligations; once inactive, records may feasibly be moved outside of the immediate office area or to off-site storage.

The last phase, disposition, arrives when records have met their retention, at which point they must either be destroyed according to schedule or, if they have historical value, be maintained permanently. The records management lifecycle is depicted below.
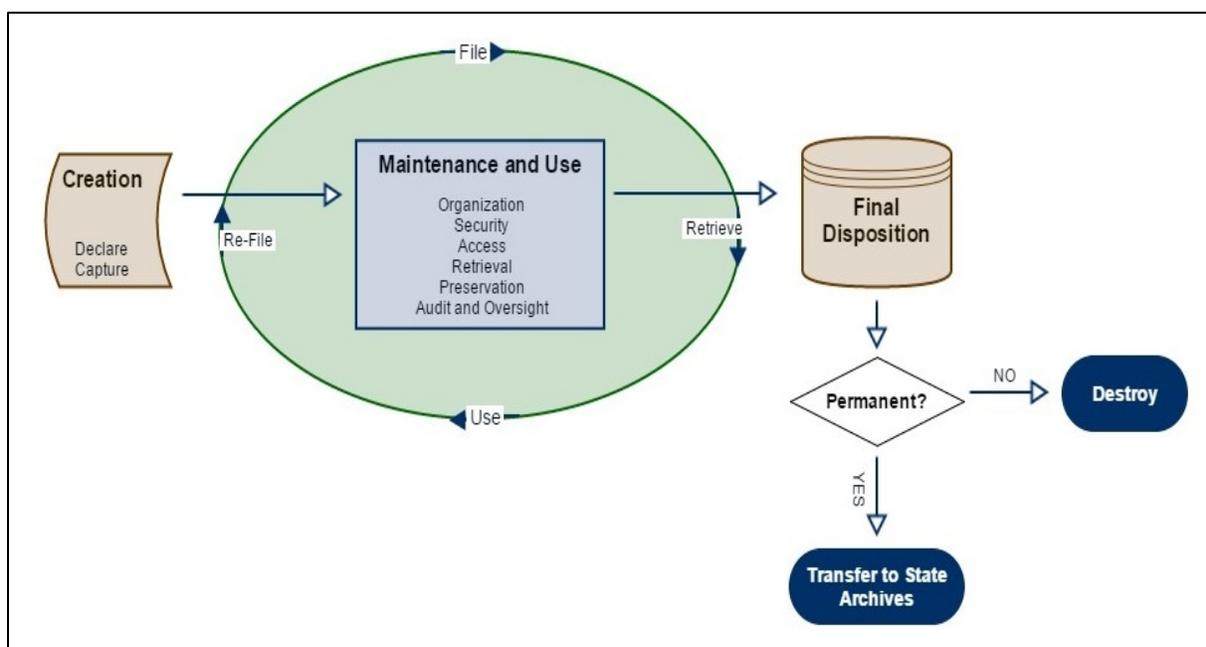
In order to manage records through the different phases of their lifecycle, we identify and organize them into groups based on similarities of function, subject, access, retention need, or other logical criteria. These groups are defined in GRAMA as record series. We associate record series with record retention schedules in order to plan the implementation of each phase in the records' lifecycle. The retention period expressed in the retention schedule specifies the time period that records should be maintained in agency custody prior to disposition. This time period is based on the estimated frequency of use, the appraised value of the records, and any

statutes or rules specifying how long the records should be kept.[10] Section one of this training describes different types of retention schedules, and section three details how to use retention schedules.

The last phase in the records management lifecycle is disposition, which occurs when the retention period has been met, and the administrative use has ended. Disposition means the act of disposing of records or transferring custody of them to an appropriate repository. Records have a disposition of destroy or of never destroy, which is usually phrased as "transfer to the State Archives," where they can be preserved permanently.

Records of enduring historical value that warrant continued preservation beyond the period required to transact the business of the originating agency, or its successor, should be transferred to State Archives' custody when retention has been met. This includes records that

- document significant activities of an organization or agency
- are useful for research due to their information on persons, places, subjects, or events of interest; and
- are of inherent worth based upon factors of age, content, circumstances of creation, or other unique features.

After the retention has been met, the State Archives takes custody of records with the disposition of "Transfer to the State Archives," and assumes responsibility for their management and preservation. Access to these records is then handled by the State Archives. Members of the public or of government agencies can access over five million records online at archives.utah.gov. Records not presented online can be accessed via the History Research Center, located at the Rio Grande building in Salt Lake City.

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[10] Utah State Archives, *Utah state government records management handbook 2008* (Salt Lake City, UT: Utah State Archives & Records Service, 2008), 8.

2.5. Managing record formats

Records have been created and managed using a plethora of media formats: DVDs, paper, cassette tapes, photographs, microfilm, microfiche, unstructured data (e.g. spreadsheets, PDFs, etc.), structured data stored in tables of a relational database, hard drives, clay tablets, web pages, floppy discs, reel-to-reel tapes, flash drives, etc. All formats eventually become obsolete, and the rate of change has increased dramatically during recent decades. This presents a huge challenge when maintaining and accessing information contained in the records, regardless of the media and file format on which they originated. Some records officers and chief administrative officers wonder when to preserve records in paper format, or if they can preserve all or some of their records in electronic formats. There are a variety of factors to consider when deciding what media formats to use for creating and preserving records, how to maintain electronic records so that they remain usable, and what storage media will best meet your agency's needs.

One factor to consider is what is mandated by law. The Public Records Management Act requires that the "record copy" of government records must be maintained according to approved retention schedules.[11] The record copy is the official copy; it may be the original copy, but not always. The original may be created in paper and scanned electronically with the electronic copy being designated as the record copy (and therefore legally subject to the retention schedule). The agency chooses which copy of the record will be designated as the record copy.

Other types of copies include security copies, access copies, and preservation copies. A security copy is a reproduction of a record created and managed (usually off-site) to preserve the information in case the original is damaged. It is a temporary back-up copy that is preserved only as long as needed, but never longer than the record copy. An access copy is usually a lower-quality version of the record, created to be used by patrons, or to provide access to the record. In some cases the record copy doubles as the access copy (if no other access copies are made), but for permanent records it may be better to create and use distinct access copies in order to increase ease of access and decrease the risk of over-handling the record copy. A preservation copy is preserved permanently as a back-up copy of a record with a retention of 'permanent'. This copy functions as insurance against the loss of the record copy, and should be stored in a different location than the record copy and used only to make other copies for access. The media formats used for these various copies should be chosen with the function of the copy in mind.

The Uniform Electronic Transaction Act states that if a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record as

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[11] Public Records Management Act, Utah Code Ann. §§ 63A-12-105 (Supp. 2009). Accessed February 18, 2015. http://le.utah.gov/xcode/Title63A/Chapter12/63A-12-S105.html.

long as it remains accessible and accurately reflects the information set forth in the original record.[12]

> **Utah Code 46-4-301** – **Retention of electronic records – Originals.**
> (1)If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record that:
> (a) accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and
> (b) remains accessible for later reference.

In other words, retaining the electronic version as the record copy meets the legal requirement to retain the records. Consider what format contains the fullest information. Records created electronically have properties (i.e. metadata) that do not exist for the paper format and that are a required part of the record. For this reason, if a record is created electronically (born digitally), the electronic copy contains the fullest information and should be designated as the record copy. For example, the printed PDF of an email does not contain all of the associated metadata (i.e. IP addresses) and is not considered a legitimate version of the record. For records created in an analog format (i.e. paper), the record copy should be selected based on the length of the scheduled retention for a record series and on which media format will best facilitate the maintenance and accessibility of the records for the entire retention period.

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[12] Uniform Electronic Transactions Act, Utah Code Ann. §§ 46-4-301 (Supp. 2000). Accessed November 18, 2015. http://le.utah.gov/xcode/Title46/Chapter4/46-4-S301.html.

Lunch atop a Skyscraper, 1932 photo by Charles C. Ebbets

Another factor to consider is liability. It is imperative that you balance the importance and required retention of the records with the characteristics of available options for how, where, and in what format to maintain the records. Before you make these decisions, you should conduct a risk assessment. Evaluate how important the records are to your agency, to the state, and to the law: Are they essential to the continued operation of your agency? Do they document your agency's history? Are they subject to audit or litigation? For how long must the records be kept and when should they be disposed of? What are the costs associated with storing and managing the records? How likely is it that your database will crash or lose valuable data? How long does data on an external hard drive remain intact? What is involved in migrating old data? When you understand these aspects of the records and your storage options, you can make better decisions about how to maintain the records.

Records with retentions of ten years or longer can be difficult to sustain electronically because they must remain accessible for the duration of the retention period. Obsolescence of hardware (e.g. BetaMax), software (e.g. Lotus), file format (e.g. .pld, .hdb, .mac), and media (i.e. floppy discs) can prevent the recovery of files stored only a short time ago. To address technology changes, agencies must either maintain the ability to retrieve and view imaged records in systems and file formats that the agency is currently using, or export the records (including associated metadata) to succeeding systems and file formats throughout the required retention period. The latter process is commonly referred to as data migration and involves converting the data from one technology to another, while preserving the essential characteristics of the data.

On the other hand, records with short retention periods, i.e. nine years or less, will likely require less investment and may not need to be migrated. Keep in mind that the retentions stated on retention schedules do not indicate only the minimum amount of time that a record should be kept, they also indicate the time at which a record should be disposed of. Uploading imaged documents into a database to be kept indefinitely is not maintaining the records according to their retention schedules.

Another issue to consider is that electronic records must be protected against alteration, deletion, damage, or loss throughout the entire retention period. Specific protective measures may include:

- Establishment of security protocols, and approved administrators and users.
- Employment of system checks and error-checking utilities, such as checksums.
- Implementation of backups and disaster preparedness measures.
- Storage of a regular backup at least 50 miles off-site to enable recovery and access to the imaged records in the event of a wide-spread disaster or emergency.
- Migration of data in order to preserve its integrity and accessibility.

The cost of storing records is a major issue. The State Records Center does not store electronic records and the State Archives only stores electronic records that have a permanent retention. Electronic storage is more expensive than paper storage, particularly if the record was originally created in a paper format. There are several acceptable data storage options available for long-term storage, meaning ten years or longer; agencies should consider and research their options to find the best solution for their data storage needs. Magnetic tape, Hard disk drive (HDD), Solid State Drive (SSD), Cloud storage, and M-Discs™ all have the potential to be reliable media for storing data. Data storage planning is discussed further in section three.

It is important to weigh the strengths and weaknesses of each media format and identify which would best suit the record copy and any additional copies of a record that you manage. The factors involved in managing electronic records need to be considered and researched as you determine in what media formats you create, manage, and preserve your agency's records. Conduct a risk assessment and research the costs and benefits of any options that you are considering. Format management, data migration, and reformatting plans need to be well thought-out and documented as office practices change.

2.6. Essential records and mitigating against loss

Essential records are records that are absolutely essential in order for your agency to carry out its functions, respond to an emergency, resume business operations, protect the health, property, and rights of citizens, preserve the history of communities and families, or those records that would require massive resources to reconstruct. Essential records, also known as vital records, must be protected against loss caused by things such as natural disasters, human error, or negligence, and require special protection strategies, such as backing up systems, or copying and dispersing files off-site. Agencies need to identify essential records and decide how they will protect them in the daily course of business as well as in times of emergency. After deciding, it is imperative that you document and integrate the information into your agency's records management plans and in your Continuity of Operations (COOP) plan.

Essential records are more than just important records. In order to determine the critical value of a record, and whether is qualifies as essential, you should consider four points:

- Does the record support mission-critical activities?
- Will it require extensive resources to recreate?
- Is it possible to reconstruct the record?
- How quickly will the record be needed when an emergency occurs?

Examples of essential records include personnel records that show proof of benefits coverage, records that prove land ownership, and records that ensure that deadlines are met, such as grant applications. Each agency must determine for itself the records that would be required to respond to an emergency and to continue carrying out its functions.

After identifying records as essential, assess and document the ways in which they may be at risk from natural emergencies, technological failure, civil hazards (such as theft or vandalism), or lack of organization and management. Then take action to mitigate the potential for damage by making a plan for how you will ensure that the records are not lost. Mitigation strategies include dispersal (distributing copies of essential records to other locations, either during the regular course of business, or specifically for protection purposes), onsite protection (via vaults, safes, and other fire-proof structures), and evacuation (taking the records with you when evacuating an affected area). Document your decisions and strategies, incorporate them into your Continuity of Operations (COOP) plan, implement them into your records management processes, and test them periodically to ensure that current and accurate records are retrievable upon request.

3. Ten Steps for Implementing Records Retention

3.1. Find the general retention schedules and your agency's series-specific retention schedules

Retention schedules mandate the amount of time that records must be maintained, and authorize destruction or transfer of the records once the mandated time period has ended. Electronic records use the same retention schedules as any other format of the records. Retention schedules are based on the information contained in the records, not the media format of the records.

General retention schedules identify and apply to records that are common to a particular function or type of agency in order to promote consistent retention practices. General schedules are already approved by the State Records Committee for use and you can access them via the Archives' website, at www.archives.utah.gov (shown below).
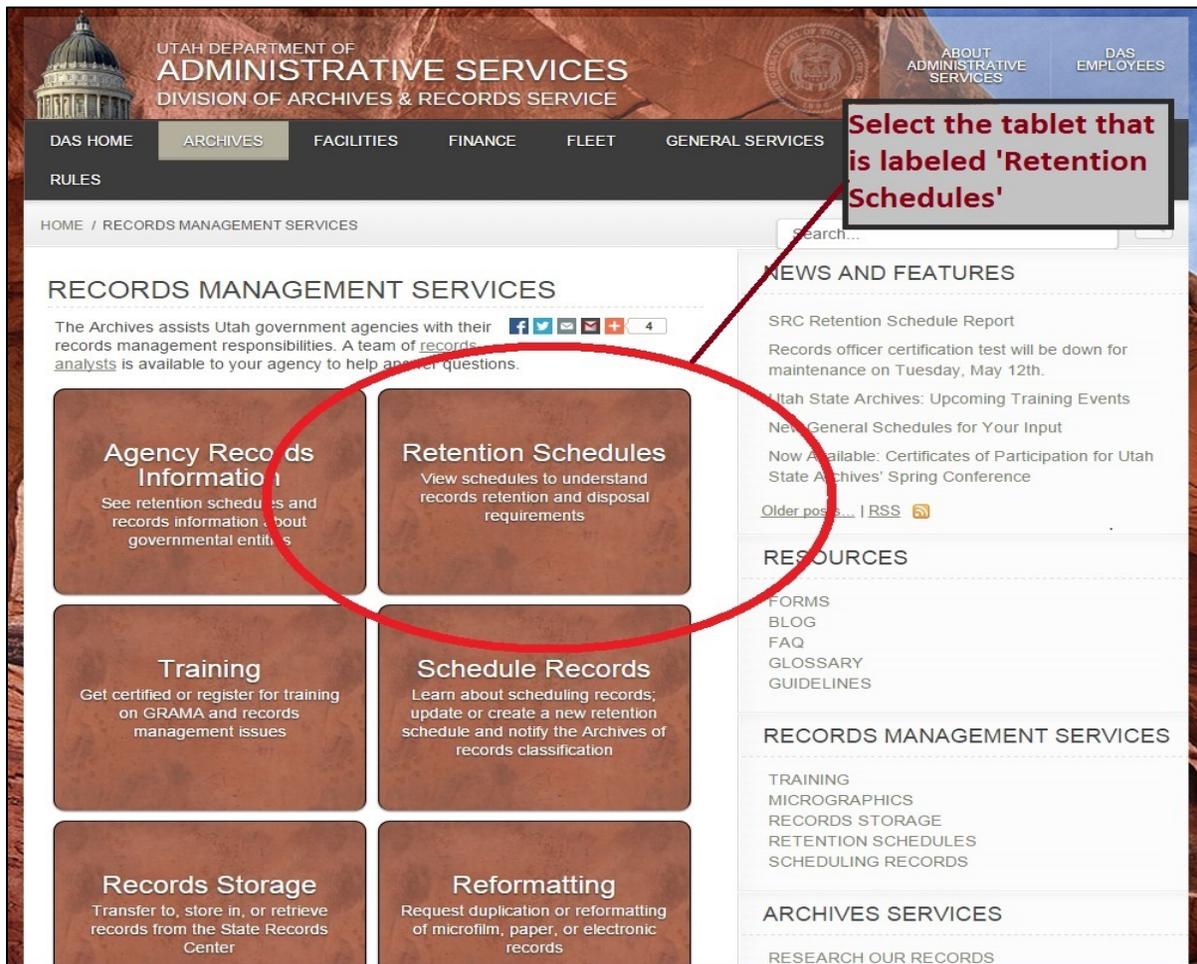
Select the appropriate category of general schedule for your agency type and open the schedules either in HTML or PDF format.

The general retention schedules are organized into categories such as human resource, financial, administrative, and purchasing records. For instance, if you wanted to know how long to keep meeting minutes, you would look at the general schedules for administrative records.

Within the category of administrative records, there is a general retention schedule for open meeting minutes and public materials.

STATE AGENCY SCHEDULE 1
ADMINISTRATIVE RECORDS - ACTIVE

Contents (or view both active and obsolete schedules together)

Activity Reports (1-48)
Administrative Correspondence (1-63)
Administrative Hearing Records (1-2)
Administrative Rule Records (1-42)
Agency Histories (1-4)
Americans with Disabilities Act Requests for Accommodations (1-57)
Animal Control Records (1-67)
Attorneys General Opinions (1-5)
Closed Meeting Records (1-60)
Communication Logs (1-15)
Conference Sponsorship Files (1-50)
Executive Correspondence (1-61)
Government Records Access and Management Act (GRAMA) Appeals Case Files (1-68)
Information Governance Records (1-66)
Claim Verification Files (1-55)
Internal Committee Records (1-17)
Management Analysis/Feasibility Studies (1-10)
Open Meeting Minutes and Public Materials (1-59)
Open Meeting Recordings (1-65)
Organizational Files (1-19)
Patient and Client Case Files (1-56)
Performance Audit (1-22)
Policy and Procedure Records (1-70)
Proposed Legislation Records (1-40)
Publications (1-25)
Public Relations Records (1-69)
Records Access Requests and Appeals (1-64)
Records Destruction Files (1-38)

RETENTION SCHEDULES

HOW TO SCHEDULE RECORDS
RECORD SERIES SUBMISSION FORM
NOTIFICATION OF CLASSIFICATION
EDIT AN EXISTING SCHEDULE
RECORDS PENDING APPROVAL

RESOURCES

FORMS
BLOG
FAQ
GLOSSARY
GUIDELINES

RECORDS MANAGEMENT SERVICES

TRAINING
MICROGRAPHICS
RECORDS STORAGE
RETENTION SCHEDULES
SCHEDULING RECORDS

ARCHIVES SERVICES

RESEARCH OUR RECORDS
MANAGE GOVERNMENT RECORDS
GRAMA / OPEN GOVERNMENT
COMMUNITY / PARTNERS
SEARCH
EMPLOYEE PORTAL

Open meetings have two general retention schedules: one for meeting minutes and one for meeting recordings.

OPEN MEETING MINUTES AND PUBLIC MATERIALS (ITEM 1-59)

Approved minutes of an open meeting are the official record of the meeting of a public body. Contained in or with the minutes shall be the substance of all matters proposed, discussed or decided and votes taken (Utah Code 52-4-203(2014)). This includes the agenda, notices, and any public materials distributed at the meeting.

RETENTION

Permanent. May be transferred to the State Archives.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/14)

OPEN MEETING RECORDINGS (ITEM 1-65)

Audio or video recordings document what transpired in open meetings of public bodies and are the official record of the meeting until the meeting minutes are approved (Utah Code 52-4-203(2014)).

RETENTION

Retain 3 years after official written minutes are approved and then destroy.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/2014)

It is important to read the schedule description and verify that it accurately describes the records that you are scheduling. This will be further discussed as part of Step 2.

An agency may have a record series that is not depicted on any general schedule, or that needs to be kept for a longer or shorter period of time than that which is on the general schedule. In that case, an agency's records officer can obtain approval for a unique retention schedule for that record series, referred to as series-specific retention schedule. These can be found on the Archives' website at www.archives.utah.gov. You can find a particular schedule by inputting the series number, or you can find a list of your agency's scheduled records by following the steps outlined below.

Search for your agency.

Select the correct agency from the search results.

From the agency information page (shown below), you can access a complete list of all of your agency's scheduled series by selecting the 'retention and classification report' link.

You can view your agency's series-specific schedules individually by using the links, or generate a retention and classification report (in PDF format) of all scheduled series.

3.2. Understand the general retention schedules and your agency's series-specific retention schedules

Records officers sometimes wonder who has the authority to decide how long government agencies must keep their records. The State Records Committee (SRC) has the responsibility to "review and approve schedules for the retention and disposal of records" generated by state and local governmental entities (Utah Code 63G-2-502 (2015)). Records analysts at the State Archives work with agency records officers to develop and update retention schedules. Analysts solicit feedback from the agencies involved and present the schedules to the State Records Committee (SRC) for approval. Once a schedule has been approved, it is considered active, and supersedes all previous versions of that schedule. Records being managed according to these schedules must align with the current general schedule description, regardless of their creation date.

Records analysts at the State Archives are currently updating the general retention schedules and as part of the process are moving county, municipal, and school district schedules to a unified general retention schedule aligned by function, thereby expanding the audience that can use them. All proposed general retention schedule changes are emailed to those most affected by the change and are posted on the State Archives' records management blog at recordskeepers.blogspot.com prior to being submitted to the SRC. The State Archives requests input from records officers and other stakeholders. Stakeholders are those who hold a vested interest in the outcome, and include agencies that create and maintain the records, state legal counsel, the State Archives, and members of the general public. One of the goals of retention schedules is to make it easier for agencies to establish and sustain a records management program, to protect their agency, and to provide transparency. For this reason, feedback from records officers is invaluable.

As discussed in Step 1, it is important to read the general retention schedule description and verify that it accurately describes the records that you are managing. It is a common mistake to only read the titles or to think too narrowly when trying to ascertain if there is an applicable general schedule. Thinking of a broader categorization for the record needing to be scheduled can garner better results. Descriptions can also clarify what record types are not included in a general schedule. Returning to the example used in Step 1, open meetings have two general retention schedules: one for meeting minutes and one for meeting recordings. The following images can be used to gain a better understanding of how to read and choose a general retention schedule.

OPEN MEETING MINUTES AND PUBLIC MATERIALS (ITEM 1-59)

Approved minutes of an open meeting are the official record of the meeting of a public body. Contained in or with the minutes shall be the substance of all matters proposed, discussed or decided and votes taken (Utah Code 52-4-203(2014)). This includes the agenda, notices, and any public materials distributed at the meeting.

RETENTION

Permanent. May be transferred to the State Archives.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/14)

Titles

OPEN MEETING RECORDINGS (ITEM 1-65)

Audio or video recordings document what transpired in open meetings of public bodies and are the official record of the meeting until the meeting minutes are approved (Utah Code 52-4-203(2014)).

RETENTION

Retain 3 years after official written minutes are approved and then destroy.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/2014)

OPEN MEETING MINUTES AND PUBLIC MATERIALS (ITEM 1-59)

Approved minutes of an open meeting are the official record of the meeting of a public body. Contained in or with the minutes shall be the substance of all matters proposed, discussed or decided and votes taken (Utah Code 52-4-203(2014)). This includes the agenda, notices, and any public materials distributed at the meeting.

RETENTION

Permanent. May be transferred to the State Archives.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/14)

> These are the schedule and item numbers of the general retention schedules: Schedule 1, Items 59 and 65.

OPEN MEETING RECORDINGS (ITEM 1-65)

Audio or video recordings document what transpired in open meetings of public bodies and are the official record of the meeting until the meeting minutes are approved (Utah Code 52-4-203(2014)).

RETENTION

Retain 3 years after official written minutes are approved and then destroy.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/2014)

OPEN MEETING MINUTES AND PUBLIC MATERIALS (ITEM 1-59)

Approved minutes of an open meeting are the official record of the meeting of a public body. Contained in or with the minutes shall be the substance of all matters proposed, discussed or decided and votes taken (Utah Code 52-4-203(2014)). This includes the agenda, notices, and any public materials distributed at the meeting.

RETENTION

Permanent. May be transferred to the State Archives.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/14)

Descriptions

OPEN MEETING RECORDINGS (ITEM 1-65)

Audio or video recordings document what transpired in open meetings of public bodies and are the official record of the meeting until the meeting minutes are approved (Utah Code 52-4-203(2014)).

RETENTION

Retain 3 years after official written minutes are approved and then destroy.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/2014)

OPEN MEETING MINUTES AND PUBLIC MATERIALS (ITEM 1-59)

Approved minutes of an open meeting are the official record of the meeting of a public body. Contained in or with the minutes shall be the substance of all matters proposed, discussed or decided and votes taken (Utah Code 52-4-203(2014)). This includes the agenda, notices, and any public materials distributed at the meeting.

RETENTION

Permanent. May be transferred to the State Archives.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/14)

Approved Retention period and Disposition

OPEN MEETING RECORDINGS (ITEM 1-65)

Audio or video recordings document what transpired in open meetings of public bodies and are the official record of the meeting until the meeting minutes are approved (Utah Code 52-4-203(2014)).

RETENTION

Retain 3 years after official written minutes are approved and then destroy.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/2014)

OPEN MEETING MINUTES AND PUBLIC MATERIALS (ITEM 1-59)

Approved minutes of an open meeting are the official record of the meeting of a public body. Contained in or with the minutes shall be the substance of all matters proposed, discussed or decided and votes taken (Utah Code 52-4-203(2014)). This includes the agenda, notices, and any public materials distributed at the meeting.

RETENTION

Permanent. May be transferred to the State Archives.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/14)

Date on which the State Records Committee approved the schedule

OPEN MEETING RECORDINGS (ITEM 1-65)

Audio or video recordings document what transpired in open meetings of public bodies and are the official record of the meeting until the meeting minutes are approved (Utah Code 52-4-203(2014)).

RETENTION

Retain 3 years after official written minutes are approved and then destroy.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/2014)

OPEN MEETING MINUTES AND PUBLIC MATERIALS (ITEM 1-59)

Approved minutes of an open meeting are the official record of the meeting of a public body. Contained in or with the minutes shall be the substance of all matters proposed, discussed or decided and votes taken (Utah Code 52-4-203(2014)). This includes the agenda, notices, and any public materials distributed at the meeting.

RETENTION

Permanent. May be transferred to the State Archives.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/14)

> Notice the very different retention and disposition for these very similar records.

OPEN MEETING RECORDINGS (ITEM 1-65)

Audio or video recordings document what transpired in open meetings of public bodies and are the official record of the meeting until the meeting minutes are approved (Utah Code 52-4-203(2014)).

RETENTION

Retain 3 years after official written minutes are approved and then destroy.

SUGGESTED PRIMARY DESIGNATION

Public.

(Approved 07/2014)

A study of these general retention schedules indicates that agendas and any public materials handed out at the meeting should be kept permanently with the meeting minutes; however, the audio or video recording of the public meeting should not be. The recordings are scheduled differently and can be destroyed after three years, provided that the official written minutes derived from the recordings have been approved by the public body and are being kept permanently.

Government records that are not depicted on any general schedule, or for which an agency needs to have a retention period approved that is different than that provided in the general schedule, must have series-specific retention schedules. Once series-specific retention schedules are approved by the State Records Committee, they carry the same mandate for compliance that the general retention schedules do. Records that are stored at the State Records Center, reformatted via the micrographics department, or that have a preservation

copy stored at the State Archives need a record series number in order to be tracked during those processes. In those cases, series-specific retention schedules are created in order to provide a record series number for records that will interact in some way with the Division of Archives and Records Service. Series-specific schedules can also be created for an agency's own records management purposes, such as to report a classification designation or to identify associated management plans. If the series-specific schedule follows the retention of a general retention schedule, then it does not need to be approved by the State Records Committee; instead it is associated with (or 'linked to') the already-approved general schedule.

Series-specific retention schedules can be viewed as an HTML file or as a PDF file, which have a slightly different look to them. Let's look closely at an HTML file of a series-specific schedule that is linked to a general retention schedule, and at a PDF report of a series-specific schedule that is unique and was therefore approved by the State Records Committee.

Below is a PDF report for series 7192. It contains the same elements, but is not associated with a general schedule; therefore, the retention and disposition were specifically approved by the State Records Committee.

Utah State Archives

AGENCY: Department of Administrative Services. Division of Administrative Rules

SERIES: 7192   4
TITLE: Administrative rules files
DATES: 1973-
ARRANGEMENT: Numerical by file number.
ANNUAL ACCUMULATION: 6.00 cubic feet.
DESCRIPTION:
These records support the agency's function to record the receipt of all rules submitted by state governmental agencies authorized or required by law to make rules (Utah Code 63G-3-402(1)(b)(2010) & 63G-3-102(2)(2008)). These records document the changes in administrative law governing the state as well as the final published version. These records are the official copies of the administrative rule filings submitted in accordance with the Utah Administrative Rulemaking Act, Title 63G. Records may also include materials incorporated by reference, notice of effective date, and pertinent correspondence.

RETENTION:

Retain 2 years.

DISPOSITION:
Transfer to the State Archives with authority to weed.

RETENTION AND DISPOSITION AUTHORIZATION:
Retention and disposition for this series were specifically approved by the State Records Committee.

APPROVED: 09/1989

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 2 years and then transfer to State Archives.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Let's review the important components.

Utah State Archives

AGENCY: Department of Administrative Services. Division of Administrative Rules

SERIES: 7192   4

AGENCY: Series-specific retention schedules belong to a single agency and apply only to the records generated or retained by that agency. Notice that the agency's hierarchy is included. This series belongs to the Division of Administrative Rules, which is managed underneath the Department of Administrative Services.

AGENCY: Department of Administrative Services. Division of Administrative Rules

SERIES: 7192   4
TITLE: Administrative rules files
DATES: 1973-

SERIES: Each series-specific schedule is assigned a series number by the State Archives. The series number is a unique identifier for a record series.

SERIES: 7192   4
TITLE: Administrative rules files
DATES: 1973-
ARRANGEMENT: Numerical by file number

TITLE: The series title should be meaningful and precise, and should not include jargon or unexplained acronyms. It should provide a basic understanding of the record type and should be as clear to a member of the general public as it is to those who work with the records.

TITLE: Administrative rules files
DATES: 1973-
ARRANGEMENT: Numerical by file number.
ANNUAL ACCUMULATION: 6.00 cubic feet

DATES: The dates reflect the years in which the records were created by the agency. Usually the beginning date is the year in which the agency was created, but it may be later if the records relate to a new program or initiative. If the agency no longer creates the record, the series has an end date and a period.

ANNUAL ACCUMULATION: 6.00 cubic feet.
DESCRIPTION:

These records support the agency's function to record the receipt of all rules submitted by state governmental agencies authorized or required by law to make rules (Utah Code 63G-3-402(1)(b)(2010) & 63G-3-102(2)(2008)). These records document the changes in administrative law governing the state as well as the final published version. These records are the official copies of the administrative rule filings submitted in accordance with the Utah Administrative Rulemaking Act, Title 63G. Records may also include materials incorporated by reference, notice of effective date, and pertinent correspondence.

DESCRIPTION: The description should identify the records in a summary that is understandable to someone who is unfamiliar with the records and their function. The description should answer such questions as: a) What government functions do the records document? b) How are the records used? c) What information is contained in them?

RETENTION:

Retain 2 years.

RETENTION: Retention refers to the amount of time that records must be maintained in the custody of a governmental entity, whether in their actual office or at an off-site location such as the State Records Center. Retention for this series is 2 years.

DISPOSITION:
Transfer to the State Archives with authority to weed.

DISPOSITION: Disposition is what happens to a record after the retention is met and may be one of two options: destroy or never destroy. If the record is never to be destroyed, it is usually transferred to the State Archives to be retained permanently. Disposition for this series is never destroy: transfer to the State Archives.

RETENTION AND DISPOSITION AUTHORIZATION: Retention and disposition authorization explains whether the series is using a general retention schedule or whether its retention and disposition were approved by the State Records Committee (SRC). This series-specific schedule was approved by the SRC in September of 1989.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 2 years and then transfer to State Archives.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Utah State Archives

AGENCY: Department of Administrative Services. Division of Administrative Rules

SERIES: 7192
TITLE: Administrative rules files

(continued)

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

Microfiche master: For records beginning in 1973 through 1983. Retain in State Archives permanently with authority to weed.

Microfiche duplicate: For records beginning in 1973 through 1985. Retain in State Archives permanently with authority to weed.

Computer data files: Retain in Office for 2 years and then transfer to State Archives with authority to weed.

FORMAT MANAGEMENT: Format management details a plan for how to manage the various media formats in which the record may be created or maintained, particularly those that are being stored at the Records Center or sent to the State Archives. This series has many media formats, stored both in office and at the State Archives.

APPRAISAL:

Administrative Historical Legal
This disposition is based on the historical value of the records.
Administrative Rules have the force and effect of law when
implemented and are frequently used to determine how statutes are
implemented by the agencies responsible for administering
regulatory programs.

APPRAISAL: Appraisal of records refers to assigning value to records and is used when determining the appropriate retention and disposition for the records. The four appraisal values are: administrative, fiscal, legal, and historical. Records may have more than one value; this series has three. Records that only have value that is administrative, fiscal, or legal will be destroyed once that function has been satisfied, but records which also have historical value are kept permanently.

PRIMARY CLASSIFICATION:
Public   Utah Code 63G-2-301(2)(a) and (d)(2014).

CLASSIFICATION: GRAMA requires a governmental entity to evaluate all of its records, designate classifications for each record series, and report these designations to the State Archives (Utah Code 63G-2-307(1)). The State Archives interprets this to mean that a designation must be included for each record series that is reported to the Archives, or, in other words, for every series that has been identified with a series number. Primary classification indicates how most of the records would be classified; secondary classification indicates possible classifications for the exceptions. Legal citations, usually referencing GRAMA law, should be included for any classification other than public.

3.3. Inventory your agency's records

The general and series-specific retention schedules that your agency uses should be reviewed regularly in relation to the records that your agency is maintaining. To do this you will need a thorough understanding of your agency's records, and may need to conduct an inventory in order to understand which offices are responsible for each record and how the records are being managed. Conceptualize the functions of your agency and the records that are created as a result of fulfilling those functions. If you have mapped out your business processes, as suggested in section two, you will be able to use that as a guide. Search all possible locations for records including file cabinets, hard drives, servers, and databases. For each record, document the record series title, GRAMA designation, location, media and file format(s), how long it is being kept, and how it is being stored and disposed of. A sample inventory spreadsheet is included below. In order to gather all of this information about the records, you may want to enlist the help of staff members, as described in the next step.

Series Title	Associated Function	Retention	Disposition (Permanent?)	GRAMA designation	Location	Format(s)

3.4 Distribute applicable retention schedules to staff; garner and document staff feedback

One effective strategy for inventorying records and reviewing schedules is to distribute the schedules for feedback to those who create or maintain the applicable records, such as program managers or administrative assistants. Ask questions about the business processes and functions that they carry out and gather their feedback about the scheduled retention, organization, reformatting, storage, and disposition of the records that they generate or manage. If records are created in, or converted into, multiple media formats, then all formats need to be accounted for. If members of your agency's staff believe that a record should be kept for a shorter or longer period of time than it is scheduled for, find out why. Has there been a change to a law affecting that record? Has the agency's administrative need for the record changed because of an update to policies or procedures? Is there more or less research value to the records than previously thought?

Document the feedback that you receive and compare it to the information contained in the retention schedules. Using the inventory and feedback, note any discrepancies between the actual records and their current maintenance processes versus the records and processes described in the retention schedules. When you identify differences, try to find the causes—whether it is the result of outdated schedules or of changes to your agency's business functions—and look for records that have not yet been scheduled. Decide what changes need to be made to your agency's series-specific retention schedules, which schedules apply to records that are no longer created (and can therefore be closed), and what new series-specific retention schedules are needed. When you have this information, you are ready to make plans and to update your agency's retention schedules.

3.5. Establish plans for reformatting, data migration, and records storage

Now that you understand the way that your agency is maintaining its records, document current reformatting practices and any future plans that are being considered for reformatting the records. Existing formats as well as plans to reformat, and the designation of a record copy for each record, can be reported to your records analyst at the State Archives. Scanning projects, desires to shred the paper format of records still subject to a retention schedule, and efforts to have a paper-free office should be discussed with your records analyst before records are destroyed.

For electronic records that need to be usable for longer than a decade, agencies should make a plan to migrate the data. Regular data migration can help your agencies avoid media failure and format obsolescence, as well as gaining benefit from new technologies. Migrating data requires transforming or converting the data from one technology to another, while preserving the essential characteristics of the data. In order to successfully accomplish this, a migration plan must be established that determines what will be migrated, where the record content and metadata are, what people and tools will be used to migrate the data, and how risks to the data will be managed during the process. As you attempt data migration, document the techniques you try, what happens as a result, the challenges that arise, and any failures that occur. After migrating data, verify that content and metadata are accurate, then establish a timeline and process for future migrations.

When records are no longer actively referenced within an agency (used less than once a month), they can be stored off-site in order to free up expensive office space. Any facility used to store government records needs to have secure, stable storage conditions. This means that the building should be built according to fire safety requirements, located away from flood plain areas, secure from water leaks and pest infestations, equipped with an anti-intrusion alarm system, and have environmental controls.[13] One such facility is the State Records Center, a warehouse in Clearfield operated by the State Archives. For agencies that are located long distances from the State Records Center, however, it may be more convenient to find nearby storage space that meets the fore-mentioned standards.

We live and work in an electronic environment where many agencies complete or manage the vast majority of their transactions online. As with paper records, electronic records become inactive when they are used less than once a month, and agencies can drastically decrease costs as they move inactive records to less expensive storage space, such as off their network server. The State Records Center does not store electronic records and the State Archives only stores electronic records that have a permanent retention. Some records officers and chief administrative officers wonder how they can afford to store the vast amount of data that their

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[13] 36 U.S.C. § 1234 (2011). Accessed September 16, 2015, http://www.gpo.gov/fdsys/pkg/CFR-2011-title36-vol3/xml/CFR-2011-title36-vol3-part1234-subpartB.xml.

agency is producing. There are several viable options for data storage, both offline and online, that can save agencies money.

There is an Offline Archive Media Trade Study prepared for the U.S. Geological Survey that compares offline digital archive storage technologies (which does not include cloud storage) and supplies helpful guidance. For each option, the report contains information about the background, technical assessment, and test results. The report provides recommendations based on design, capacity, cost per TB, cost of the drive, compatibility, transfer rate, and vendor analyses.

An online option for storage is cloud computing, which relies on sharing computer resources by using off-site servers that are operated by third-party providers for data storage. If government agencies choose to use cloud storage, records managers should ensure that contractual language with the third-party vendors includes risk management issues relating to records management and access. [14] Some key points to include are:

- Protection--Is your data kept separate and secure from other client's data?
- Data security and auditing regarding backups, data loss, data migration, integration with existing databases, data corruption and use of encryption.
- Down time and service restoration in case of natural or manmade disasters. How much redundancy is supplied?
- Getting the data out if you need to change service providers: are there proprietary programming codes?
- Compliance issues relating to GRAMA or e-discovery requests for the records
- Records management requirements for long-term functionality and sustainability
  - Do they charge fees every time they run a checksum on each item? (this is what usually makes the cost prohibitive)

ARMA International, a professional organization for information governance specialists (such as records managers), has produced a Guideline for Outsourcing Records Storage to the Cloud which can assist agencies that are considering using cloud storage.

M-Discs™ were developed recently as a convenient long-term data storage option. An M-disc is a type of optical disc that lasts for over 1,000 years because, instead of burning data into an organic dye layer, M-Disc drives etch the data into a rock-like layer. M-Discs follow ISO 10995 standards and are fairly convenient to use. You must use a special M-Disc drive to 'burn' or write files to the M-Disc, but you can use any disc drive to read files on an M-Disc. They are an inexpensive option for off-server storage of record copies with short retention periods, access and backup copies, or even preservation copies (if you continue to maintain a disc drive that can access the records).

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[14] Nelson, Terry B. *Managing Electronic Records.* Local Government Records Management Technical Publication Series. Rancho Cucamonga, CA: International Institute of Municipal Clerks, 2012.

Determine what records need to be sent off-site or off-server, how long they need to be in the office or on the network server before being sent off-site, how you will continue to apply retention schedules to records stored off-site and off-server, and where they will be stored. Then document your decisions.

3.6. Update and add to your retention schedules as necessary

Editing an existing retention schedule or creating a new series-specific retention schedule can be accomplished with the assistance of a records analyst employed at the State Archives. It is a good idea to contact a records analyst early in the process of updating your schedules in order to receive guidance and avoid wasted effort. Also, before creating a new series-specific retention schedule, review your agency's existing schedules, reading the record descriptions, to ensure that the records have not previously been scheduled.

Instructions for editing or creating a new retention schedule, as well as the necessary online forms for doing so, can be found on the Utah State Archives website, as shown below.
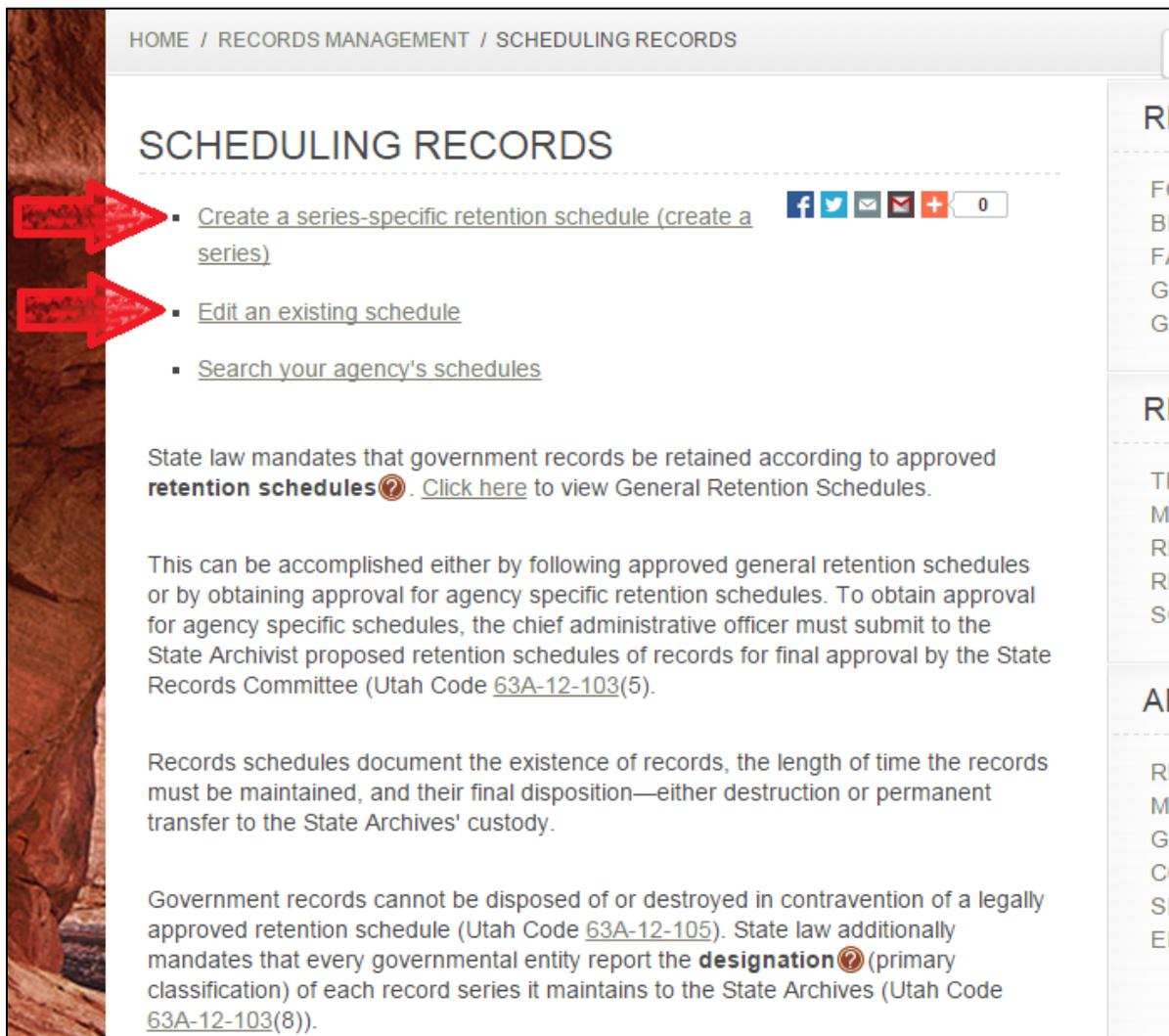
The form for creating a new schedule for your records has hover-over text that serves as a tutorial, explaining what the terms mean and what information is needed in the fields.
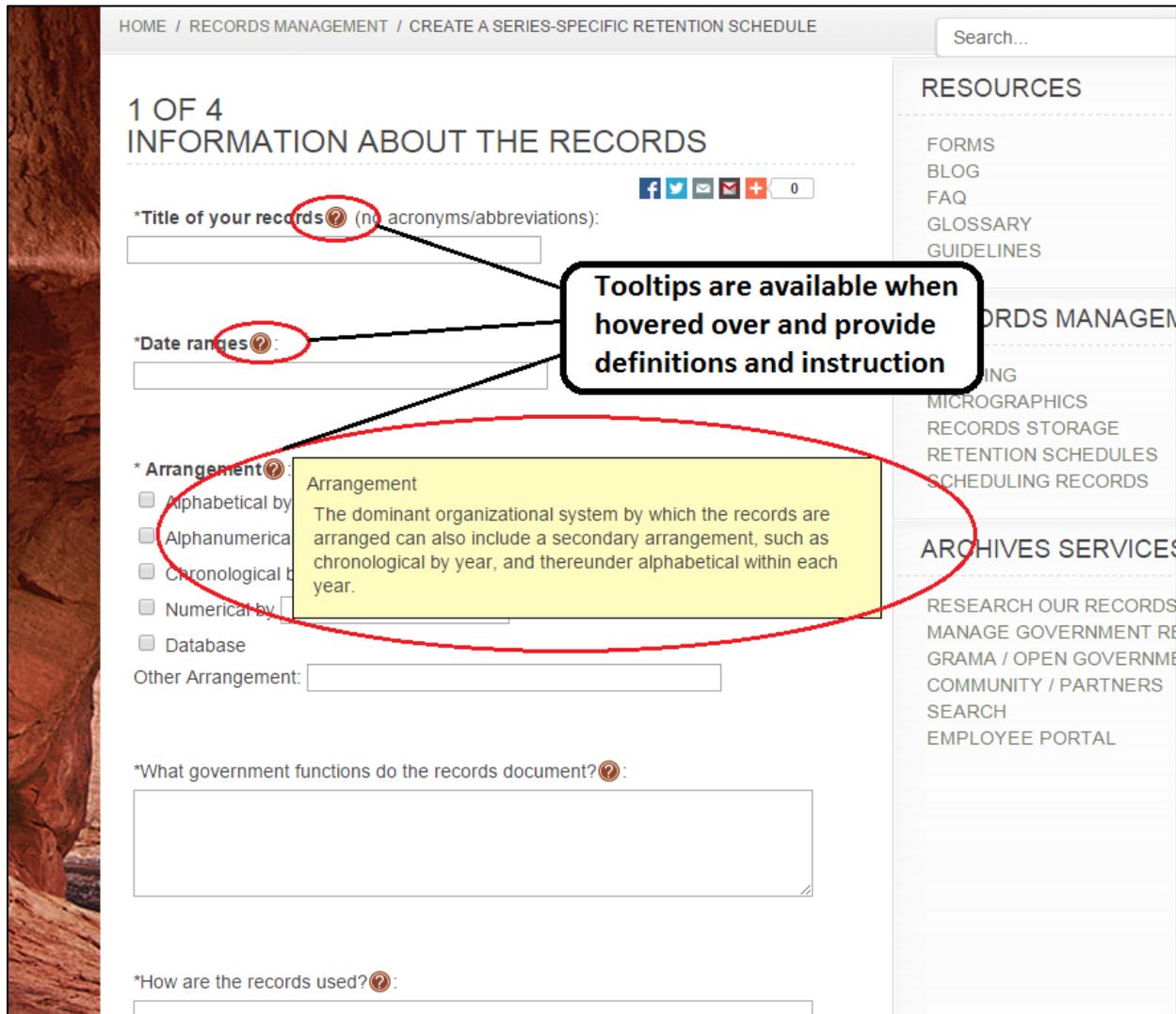
Once you have submitted a form in order to edit an existing series-specific retention schedule or to create a new series-specific retention schedule, a records analysts at the State Archives will receive and review the information and may contact you in order to clarify or garner additional information.

Retention schedules have multiple objectives. Schedules provide legal authority for records retention, assist records officers in the practical management of records, inform the public, promote government transparency, and aid members of the Archives' staff as they work with the records. As a result of serving multiple audiences, descriptions of scheduled records are extremely important components of retention schedules, and can be difficult to write. The records description should identify the records in a summary that is understandable to someone who is unfamiliar with the records and their function. The description should answer

questions such as: what government functions do the records document, how are the records used, and what information is contained in them? As a records officer you are in a unique position to understand your records, and the information that you supply to the State Archives and the general public is invaluable.

3.7. Assign recordkeeping responsibilities and train agency staff members

Once you have become familiar with your agency's records and updated your retention schedules, assign recordkeeping responsibilities to those who have a hand in maintaining the records (physically or electronically) and document the assignments. Decide which office or person will be responsible for the record copy, and who will be managing only access or reference copies. Clarify how retention will be tracked and by whom, e.g. are the retention dates built into your electronic records management system or do the data need to be manipulated manually with the cooperation of your IT department? Determine who will transfer or arrange for the destruction of records according to the retention schedules (with the approval of the records officer), and how it will be documented.

Due to the fact that every employee creates and manages agency records to some extent, it is imperative that you train staff members so that they have a basic awareness of the record retention requirements relevant to their jobs. It must be made clear to them that they are personally responsible for documenting their work.

There are many different ways to educate your co-workers; experiment with various techniques to find those that work best for your situation. One strategy is to distribute the updated retention schedules to staff members and use the schedules to validate your expectations for their cooperation. The schedules may be difficult for them to understand, so it is important to use terminology that they can relate to; otherwise, they will likely ignore the policies that you are trying to initiate. Another technique is to take five minutes during every staff meeting to give tips or to train staff members on a single concept. Some records officers create fun annual trainings or entertaining video tutorials. The principal issue is that staff members understand the roles that they play in the management of your agency's records; keep instructions simple and clear so that they are easy for staff to apply.

3.8. Organize your records

Organizing your records can produce significant results. An ARMA survey of companies implementing a records retention program for the first time found that 24.1 percent of the total volume of a company's records are destroyed when the program is begun, 32.3 percent of the records are sent to inactive storage in a records center, and only 43.6 percent of the records remain in the office area.[15] Over half of your office and computer server space could be freed up for other uses just by getting organized and using your retention schedules appropriately.

Begin by separating records from non-records. Copyrighted materials and reference materials collected by the agency, but created by other entities, are not records and should not be scheduled. Shared records that are maintained by other governmental entities, and not yours, should only be kept until they are no longer needed administratively. Temporary drafts are not records and may be destroyed, in most cases, once a final version is created. Separating records from non-records is an especially critical practice when using email accounts. Separate personal communications and papers from work communications and papers. If you receive personal emails on your work email account, forward them to a personal account and then delete them from your work account; likewise with personal documents. Delete transitory emails as soon as their administrative use has ended (e.g. the scheduled meeting has been held, the document has been received, etc.). Do not employ automatic purging routines, but do not let the volume of email in your account get out of control either; manage your email on a daily or weekly basis.

Make it clear which copies are following the retention schedule by separating record copies from other copies. Sometimes multiple offices possess copies of the same record. Only the record copy needs to be kept according to the retention schedule; duplicate or reference copies can be destroyed when the administrative needs ends, and must be destroyed no later than at the end of the retention period. This will require organizing and cleaning up any shared network servers, but each staff member will need to review the records on his/her personal computer as well.

Keep records that document a business process together in one location, whether physically or on the network server. The goal of records management is for records to be quickly available for future use by those who need to see and use them. Having to search in multiple locations for records involving a single situation is inconvenient and inefficient.

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[15] Diamond, Susan. "Records management: A practical guide." AMACOM, 1995, p. 69.

3.9. Transfer records as necessary

If you choose to send records to off-site storage because they are inactive (used less than once a month) but their retention has not yet been met, you may send them to the State Records Center. The State Records Center, located in Clearfield, Utah, is a secure storage facility for records that are still in the custody of the creating governmental agency. Records can be stored at the State Records Center at no cost to your agency. Although the records are stored off-site at the State Records Center, the creating agency still has the responsibility to maintain them; records officers can recall records as needed and are responsible for providing access to the records.

When the retention period for records stored at the State Records Center has been met, they will be handled according to their disposition. If the disposition is "Transfer to the State Archives," the records need to be kept permanently and will be transferred directly to the State Archives without the creating agency being notified. If the disposition is "Destroy," a destruction notice will be sent to the agency's records officer, who must authorize the destruction of the records. If an agency has more than one records officer, the agency should designate which records officer will be responsible for responding to destruction notices and provide that information to their records analyst. Once agency approval of the destruction is obtained, the staff at the Records Center arranges for the secure destruction of the records.

State Records Center in Clearfield, Utah

Instructions for sending boxes of records to the State Records Center for storage can be found on our website. The process consists of 1) verifying that the records have been scheduled by obtaining a record series number; 2) purchasing records center boxes from Office Depot; 3) preparing records for transfer by correctly filling, inventorying, and labeling the boxes; 4) completing a Records Transfer Sheet (RTS) (see image below); 5) arranging delivery (after you

submit the RTS, the Records Center staff will contact you to discuss your plans for delivering the boxes); 6) delivering the boxes to the Records Center. Agencies located along the Wasatch Front usually send boxes via the State Mail system, which will deliver up to six boxes per day free of cost and larger shipments for a fee. If you send them in multiple shipments, you will need to complete a Records Transfer Sheet for each shipment. Boxes can also be delivered in person or through an alternative postal delivery system.

RECORD SERIES INFORMATION

Series Number:

Series Title:

Inclusive Dates of Records Being Transferred

From: Month/Year

To : Month/Year

Total Boxes to be Transferred:

Transfer Includes Non-Paper Records: ☐

DESCRIPTION OF RECORDS BEING TRANSFERRED

For each box you are going to transfer, indicate your agency box number, the dates of what is in the box (from and to, in month/year format), and a summary of the box contents. There is no need to list each file in each box, however ranges of box contents are very helpful. Line numbers have been added for your convenience. Add as many lines to the form as you have boxes.

> **When you list the items being transferred on the Record Transfer Sheet, be sure to use exactly the same box number that you used on the box itself. Do not abbreviate the year or name.**

EXAMPLE

```
Line  Your Box #, Dates of Contents (from and to, by
month/year), Box Contents Summary (no need to list files)

1. 2004-1, from 8/1998 to 8/2000, invoices 100-200
2. 2004-2, from 9/2000 to 9/2002, invoices 201-300
3. 2004-3, from 10/2002 to 10/2004, invoices 301-400
```

To ease data entry, you may compile your list in word processing software, copy it (select the text with your mouse and hit Ctrl-c) and then paste it in the textbox below (Ctrl-v). Do not include a list of files with the boxes. **Do** include a **range** of contents per box.

```
Line, Your Box #, Dates of Contents (from and to, by
month/year), Box Contents Summary (no need to list files):

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
add more lines as necessary
```

Submit Form   Clear Responses

If you need to recall records that are stored at the Records Center, you can submit an online Records Center File Retrieval form and the records will be processed and on their way to you within seventy-two business hours. When you return the recalled records to the State Records

Center (via mail or in person), you do not need to submit a Records Transfer Sheet, but be sure to attach the recall request sheet that accompanied the box or file when you received it.

When transferring records of historical value that have met their retention, and that have a disposition of "Transfer to the State Archives" or "May transfer to the State Archives," you will send them to the State Archives, which is located in downtown Salt Lake City, just south of the Rio Grande building. It is a repository for non-active historical records with a permanent retention, and the custody of records stored there is held by the Utah Division of State Archives and Records Service. This means that the State Archives is responsible for preserving, caring for, storing, and providing access to the records. Records held at the State Archives are available for use in the research center located in the Rio Grande building, but will not be returned to the creating agency for use. In order to transfer records to the State Archives, contact your records analyst at 801-531-3863 or recordsmanagement@utah.gov.

State Archives building in Salt Lake City

3.10. Destroy records as necessary

An essential part of implementing a records retention program is destroying all records, regardless of format, that have a disposition of destroy when their retention has been met. The retentions stated on retention schedules do not only indicate the minimum amount of time that a record should be kept, they also indicate the point at which a record should be disposed of. If the schedule says "Retain 3 years and then destroy," then the records should be destroyed after three years.

TIPS for managing the destruction of records:
a) Establish a routine for destroying records (according to an approved retention schedule) as part of your normal course of business.
b) Be clear about who is responsible for the destruction of each copy of the record, and how and when the records will be destroyed.
c) Document the disposal of records, citing the retention schedule which authorized disposal, the date, and the names of persons who disposed of the records. A destruction log can prove invaluable if your records become part of an audit or litigation, but may also simplify the process of responding to GRAMA requests by clarifying whether or not you possess the requested record. A model destruction log can be found on the archives website.

All copies of a record should be destroyed at the same time as the record copy (if it was not done sooner). Since records are state property, a records officer may NOT transfer custody to the private sector in lieu of disposing of them. Paper records should be thoroughly destroyed and should not be recycled. It is important that record information be destroyed in a way that prevents it from being pieced back together. Electronic record information should also be destroyed in a way that precludes retrieval. Consult with your IT department to determine the best process for your agency.

There are situations wherein it is necessary to suspend destruction of a particular record:

- When records are involved in an ongoing investigation, organizations are required to preserve records related to the potential case, including electronic records such as email.
- When there is a reasonable expectation that records will be required for possible litigation.
- If the agency receives a Litigation Hold Notice: a written directive advising custodians of certain records that they must not destroy evidence that may be relevant to future litigation.
- If there is a pending GRAMA request for a record when the retention period ends, then destruction of the record should be suspended until the GRAMA request has been fully addressed (including appeals).

- If the record is being used in an audit when the retention period ends, then destruction of the record should be suspended until the audit is complete.
- If there are concerns about the scheduled retention, if it seems incorrect. In this scenario, the records officer needs to contact a records analyst at the Utah State Archives in order to discuss his/her concerns. The records analyst can investigate the reasoning behind the original appraisal and scheduled retention of the records, and, as needed, work with the records officer to get a more appropriate retention approved.