



# LOCAL GOVERNMENT RECORDS MANUAL

Compiled by the Ohio County Archivists and Records Managers Association (CARMA)

2017

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## **Section I: Purpose**

### **Local Government Records Manual:**

#### **Intention and Scope**

Local governments create records that must be safeguarded and made accessible to the public. Ohio's Public Records Act (1 Ohio Revised Code § 149) includes specific requirements to make government records more accessible to the people. However, evolving challenges will require local governments to write and revise policies and procedures to ensure access to those public records. The purpose of this manual is to educate local government officials on current methods available for managing public records under their jurisdictions. It provides the tools to respond to the ever-changing climate of records keeping issues, increase efficiency and safety, protect historical records, and save resources.

#### **Elements of an effective records management system**

- All offices have current schedules of records retention and disposition
- All public records are accessible to the public and to government entities
- Active records stored at site of creation and inactive records are offsite, organized for retrieval if requested
- Permanent and historical records are properly preserved
- Policies and procedures created for how to respond to a public records request
- All local, state, and federal laws are followed

For additional assistance with records retention principles and other management practices, please contact the State Archives of Ohio, Local Government Records Program (State Archives-LGRP).

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## Section II: Definition of a Record

Public records are subject to review by all individuals upon request. While governments are obligated to supply public records, the Ohio Revised Code requires all records an office creates to be maintained through their life cycle and placed on records retention schedules to prevent unlawful destruction.<sup>1</sup>

The Ohio Revised Code, Section 149.011(G) provides three criteria for what materials meet the definition of a record. To be defined as a record, the item(s) in question must:

- Be stored in a fixed medium (e. g. paper, digital image, audio/video)
- Created or received during the course of a public office's business
- Document the functions, policies, procedures, activities, and decisions of the public office<sup>2</sup>

Not all materials an office collects, creates, or distributes meet the definition of a record as noted above. For example, post-its and notes traditionally do not meet the definition of a record. While the information on the note is on a fixed medium, paper, and it was created as the result of the office's business, its content may not always document an office's function, policy, procedure, activity, or decision. This is because notes can contain duplicate or general information that was written for an employee's personal use.

### Examples of Records v. Non-records

Record	Non-Record
Meeting Minutes	Junk Mail
Drafts Not Yet Officially Adopted	Blank Forms
Appointment Calendars	Duplicate Copies Within One Office

Records that do not meet all three criteria are considered a non-record and are not subject to the Ohio Public Records Law. When questioning whether or not an item meets the definition of a record, please contact legal counsel for clarification.

Whether public or confidential, all documents meeting the definition of a record must be placed on a records retention schedule. A retention schedule lists the types of records an office creates, their media format (e.g. electronic, paper, etc.), and the minimum amount of time they are required to be kept in the office. Records not placed on retention schedules cannot be legally disposed of. If a public records request is made and the office has never created a retention schedule that office must supply the requested records even though the records being requested are past their retention period.<sup>3</sup> For more information on creating and following a records retention schedule and other forms used to document legal records destruction, please refer to Section VII.

<sup>1</sup> 1 Ohio Rev. Code. § 149.351 (2011), available at <http://codes.ohio.gov/orc/149.351>

<sup>2</sup> 1 Ohio Rev. Code. § 149.011 (G) (2011), available at <http://codes.ohio.gov/orc/149.011>

<sup>3</sup> 1 Ohio Rev. Code. § 149.351 (2011), available at <http://codes.ohio.gov/orc/149.351>

### Section III: Why Records Management is Important.

The Ohio Revised Code states local governments must maintain their records throughout their life cycle. Records need to be identified, defined, and placed on a records retention schedule in order to prevent unlawful destruction. The act of properly managing your records is more than simply saying, "It's the law." Records management is the foundation for an open, transparent, government. Records that are being created everyday are important sources of evidence and serve as justification for the decisions, policies, and procedures by which local governments function.

Some of the benefits of properly managing your records include:

- **Space savings.** The records that are being created can take up a lot of room. By implementing a records retention schedule, you may properly dispose of records that have come to the end of their life cycle. There is no need to have obsolete records taking up valuable space.
- **Time savings.** Good records management leads to effective filing systems that make the retrieval of documents faster and easier. Not only does this apply for retrieving records during the normal course of business, but it also expedites the retrieval of information in order to fulfill public records requests.
- **Promotes overall public trust.** Local governments ensure accountability by protecting records from unauthorized alteration, defacement, transfer, and/or destruction. Improper handling or falsification of public records can result in fines for public entities.
- **Documentation of the institutional memory of your local government.** Effective records management ensures that records of enduring historical, legal, or fiscal value are preserved for future generations to help them understand the history, culture, people, and decisions of local governments and the individuals they serve.

These are just a few reasons why good records management is important. The proper management of records offers tangible benefits to local governments that will save valuable time, money, and resources.

## Section IV: Records Management and the Law

Public records can and do provide critical evidence for the basic understanding of a government agency. Identification and maintenance of records is the responsibility of each agency that generates or receives them.

Records management not only establishes a strong foundation for the efficient management of records by assisting with their creation, maintenance, retention, and ultimate protection and preservation or destruction, but is evidence of government being accountable for their actions and decisions.

Functionally, records management serves two purposes in conjunction with the Ohio Revised Code. Practicing records management allows offices to organize records for public access when requested for review.<sup>4</sup> Also, proper records management practices prevent illegal records destruction.

### Records Commissions

All local government entities in Ohio are required by law to establish a Records Commission to review and approve records retention schedules and one-time records disposal requests before documentation is sent to the Ohio History Connection for review and approval. The Commission can also issue rules related to records retention and disposition.

Below are criteria for records commissions:

<b>Counties</b> [ORC § 149.38]*	Member of the Board of County Commissioners as chairperson Prosecuting Attorney Auditor Recorder Clerk of Court of Common Pleas	Meet at least once every 6 months
<b>Municipalities</b> [ORC § 149.39]*	Chief Executive (or appointed representative) as chairman Chief Fiscal Officer Chief Legal Officer Citizen (appointed by the chairman)	Meet at least once every 6 months
<b>Townships</b> [ORC § 149.42]	Chairman of the Board of Township Trustees Fiscal Officer of the Township	Meet at least once every 12 months
<b>School Districts and Educational Service Centers</b> (ORC § 149.41)	Board President Treasurer Superintendent of Schools	Meet at least once every 12 months
<b>Public Libraries</b> [ORC § 149.411]	Board of Trustees members Fiscal Officer	Meet at least once every 12 months
<b>Special Taxing Districts</b> [ORC § 149.412]**	Chair of governing board Fiscal representative from board Legal representative from board	Meet at least once every 12 months

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<sup>4</sup> 1 Ohio Rev. Code. § 149.43(B)2 (2011), available at <http://codes.ohio.gov/orc/149.43>

\* Counties and municipalities may hire an archivist or records manager and shall appoint a secretary who may or may not be a member of the commission.

\*\*Special taxing districts that fall completely within a county boundary line may designate the county records commission as their records commission instead of creating their own. If this occurs, the special district and county records commission may create a contract defining the functions being provided to the special taxing district if both parties wish to do so.

After records retention and disposition paperwork has been approved by an entity's records commission, the documents are sent to the Ohio History Connection for review and approval. For more information regarding this process, please see Section VII.

### **Consequences of Illegal Records Destruction**

Records that have met their retention period are legally destroyed by filing disposal paperwork with the state. Governments are not permitted to destroy records that have not met their retention period.<sup>5</sup>

Records that cannot be produced in response to a public records request can lead to litigation. Local government entities can be responsible for litigation expenses, statutory damages at a maximum of \$10,000, and may have to pay attorney fees, which is determined by a judge as a reasonable amount on a case-by-case basis.

Also, if illegal records destruction is suspected by a public office, an investigation may be conducted to substantiate or dismiss the claims. Offices who have performed such investigations in the past are local authorities, the Ohio Auditor of State's Office, and the Ohio Attorney General's Office.

When records are illegally destroyed, it can impose heavy administrative hindrances to the office. Losing needed records can result in offices not being able to fulfill essential job functions and attempting to recreate lost information on those records can result in the loss of staff time. This can negatively affect office employees, other government agencies, and the general public.

The premature loss of records can also reach beyond the administrative functions of an office. Records that have not gone through proper disposal procedures could result in the loss of valuable historical information and institutional memory. Lost historical records do not allow for governments to reflect on past decisions, prevents valuable information from being discovered to advance historical research and thought, and prevents genealogical researchers from personally connecting to their past.

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<sup>5</sup> 1 Ohio Rev. Code. § 149.351 (2011), available at <http://codes.ohio.gov/orc/149.351>

## Practices to Improve Public Records Access

The Ohio Revised Code requires public offices to perform other duties related to records management in addition to creating retention schedules and following legal records disposal practices. These practices serve to improve records access and promote government accountability.

## Public Records Policies

All government offices are required to create and post a public records policy in open public view. This policy provides procedures for requesting records and costs associated with requests. The policy must be distributed to individuals in custody of the records of that office and the receipt must be acknowledged.<sup>6</sup>

Sample public records policies are available online on the Ohio Attorney General's website at <http://www.ohioattorneygeneral.gov/Files/Publications/Publications-for-Legal/Sunshine-Law-Publications/Model-Public-Records-Policy> and the Ohio Auditor of State's website at <https://ohioauditor.gov/services/opengov/PublicRecordsPolicy85x11.pdf>.

## Certified Public Records Training

All elected officials or their designees are required by law to attend a Public Records Training once an elected term. The training is three hours in length and covers the Public Records Law and Open Meetings Act. Trainings are sponsored by the Ohio Attorney General and Ohio Auditor of State's Offices. Information is available on both offices websites, <https://ohioauditor.gov/open/trainings.html> and <https://sunshinelaw.ohioattorneygeneral.gov>.

Optional training covering records management practices, including electronic records, for local governments is hosted by the Ohio History Connection, State Archives. Information is available at [www.ohiohistory.org/lgrtraining](http://www.ohiohistory.org/lgrtraining).

## Ohio History Connection, State Archives, Local Government Records Program (State Archives-LGRP)

The Local Government Records Program has staff available to guide local governments with records retention, maintenance, and disposition and is a division the State Archives at the Ohio History Connection. Their website at <http://www.ohiohistory.org/lgr> has manuals and publications for starting or building a local government records program. The program also offers trainings to the public.

## Ohio County Archivists and Records Managers Association (CARMA)

To aide county governments, the Ohio History Connection worked with county records managers to create CARMA in 2004. Today, the group meets twice per year to share and discuss issues related to county records management. More information about the organization can be found at <http://www.ohiohistory.org/carma>.

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<sup>6</sup> Ohio Attorney General, *Ohio Sunshine Laws: An Open Government Resource Manual* (2016), 62. Available online at <http://www.ohioattorneygeneral.gov/yellowbook>

## Section V: The Principles of Recordkeeping

Effective recordkeeping is essential for the successful operation of any organization. As records and information management (RIM) programs are developed and maintained within local governments, it is necessary to develop strategies that will ensure information is managed correctly. The adoption of best practices in information management assists organizations in sustaining daily operations, support decision making and document compliance with applicable laws and regulations. The Association of Records Managers and Administrators, ARMA International, has developed *The Principles*® in an effort to assist organizations in implementing effective record systems and programs. These values are based on many years of records best practices and they promote a standard of conduct that represents the processes, roles, standards and metrics that ensure the effective and efficient use of information.

The Principles are outlined as follows<sup>7</sup>:

### Principle of Accountability

The Principle of Accountability ensures that an organization has identified an individual with the responsibility and authority to design and implement an auditable RIM program. Within a local government, this individual is often referred to a Records Administrator, Records Manager or Records Coordinator.

One of the primary responsibilities for the records senior executive is program development. Compliance needs to be monitored and the overall program should be consistently reviewed for improvement. Governance needs to be established to assign defined roles and responsibilities to different staff. The chain of command will support the implementation and upgrade of the recordkeeping system. It is essential to develop policies and procedures that will standardize the program across the organization.

To protect the organization and its records while seeking areas for improvement, an audit program needs to be designed and implemented. An organization's recordkeeping audits prove program adherence in accordance with established policies and procedures. Verifying records are being retained for the right amount of time per the adopted retention schedule and disposed when their life cycle has been met needs to be audited to ensure compliance.

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<sup>7</sup> About ARMA International and the Generally Accepted Recordkeeping Principles®

ARMA International ([www.arma.org](http://www.arma.org)) is a not-for-profit professional association and the authority on information governance. Formed in 1955, ARMA International is the oldest and largest association for the information management profession with a current international membership of more than 10,000. It provides education, publications, and information on the efficient maintenance, retrieval, and preservation of vital information created in public and private organizations in all sectors of the economy. It also publishes Information Management magazine, and the Generally Accepted Recordkeeping Principles®. More information about the Principles can be found at [www.arma.org/principles](http://www.arma.org/principles).

## **Principle of Integrity**

This principle requires organizational records and information to be reasonably guaranteed as authentic and unaltered. Authentic records are documents that actually are what they say they are and are represented to be and are completely free from any additions, deletions or corruption. Information that exhibits integrity is absolutely critical to the audit process. Overall confidence in the integrity of records and information within a RIM can significantly increase with the implementation of this principle.

Business records are strategic and operational assets. The authenticity of those records must be maintained over a period of time. The recordkeeping system must be reliable to prove the reliability and integrity of the records. Information management training and direction must be provided to staff that interact with the system. Staff should be trained as well on the meaning, importance and usage of recordkeeping policies and procedures.

In efforts to ensure records are created, used and managed in the normal course of business, organizations must implement consistent recordkeeping practices throughout the records life cycle. Audit and quality assurance processes must be in place to prove the reliability of the recordkeeping actions of an organization.

## **Principle of Protection**

This principle relates to the internal controls that protect the integrity of an organization's documented information. A Principle-based RIM program will guide management to incorporate adequate protection to ensure records and information exhibit integrity and processes and procedures preserve privacy and confidentiality.

It is essential that a recordkeeping program apply the appropriate protection controls to information from the time it is created and throughout its life cycle until final disposition. All systems that generate, store and distribute information need to be analyzed to ensure efficient controls are in place. This applies to both electronic records and physical records. Information management systems should include a structure where only personnel with a level of security or clearance can gain access to the information. Protection controls such as key card access and locked cabinets are measures that can protect physical records from unauthorized access.

Sensitive information must be protected from becoming available or "leaking" outside of an organization. This can include physical files leaving the premises, electronic files being downloaded and emailed or information being posted to social media sites. Mechanical technology controls such as RFID, Radio Frequency Identification, can ensure physical files are not removed from a records facility. System controls, audits and monitoring social media sites are options that can assist an organization in safeguarding their records. Final disposition of records requires the same level of security and confidentiality measures established throughout its life cycle to ensure the information is protected from being recovered.

## **Principle of Compliance**

The principle of compliance delegates that a RIM program manages organizational information in a manner that satisfies legislative and industry requirements. Maintaining compliance is a vital component of a RIM program and it is necessary to meet expectations in an audit. In efforts to be compliant, the Principles of Accountability, Integrity and Protection must be properly operationalized.

It is every organization's duty to comply with applicable laws, including those pertaining to the records management. Recordkeeping systems should support an organization's activities are conducted in a lawful manner and that information is being maintained as delegated by law. A poor recordkeeping program can damage an organization's credibility and legal standing.

The adoption and enforcement of policies that direct and control the recordkeeping program are critical to support the internal rule of conduct. A policy imposes a duty of compliance upon the organization and its personnel.

## **Principle of Availability**

This principle requires that in order for records to be useful they must be available. As mandated by the Ohio Public Records Law, all public records responsive to the request must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. Section II and Section IV of the Local Government Records Manual expand upon the definition of a record and the Ohio Public Records Law.

The RIM function is the primary resource within an organization where knowledge of the organization and location of most of the records and information exists. Information is useless if it is not available. Successful and responsible organizations have the ability to get the right information to the right person at the right time. Organization is critical for efficient retrieval and distribution of information. Recordkeeping systems that capture, maintain and store information will not be efficient if personnel cannot access records. A properly structured system with well-designed storage processes and access to understandable, consistent and relevant information will improve personal productivity, minimize storage costs and optimize the speed of information retrieval.

Both electronic and physical recordkeeping environments should include effective methods and tools that will organize information to ensure availability in a timely manner. Policies and procedural manuals that provide explicit instruction on consistent records management processes will enhance employee performance. Sufficient training is necessary to successfully utilize established methods and tools. To sustain ongoing accessibility, electronic information needs to be routinely backed up for disaster recovery purposes, for system malfunctions and to avoid the data becoming corrupt. It may also require migration to current supported software and hardware. Removing unneeded information per the organization's retention schedule will reduce maintenance costs of the storage, back up and migration of records.

### **Principle of Retention**

The Principle of Retention dictates that records and information are retained through their useful and/or legal life. As approved by local Records Commissions, the Ohio History Connection and the Ohio Auditor of State, Schedules of Records Retention and Disposition identify what records are being retained within an organization and what length of time they must be retained according to their administrative, legal, fiscal and historical value.

### **Principle of Disposition**

The Principle of Disposition requires that once retention requirements have been satisfied, records and information will securely and appropriately be deleted. The Principles of Retention and Disposition define the time-span over which organizational records and information are available. Through the systematic disposition of records once retention requirements have been met, organizations will minimize the resources necessary to maintain, retrieve and analyze information.

### **Principle of Transparency**

This principle supports that a recordkeeping system is accurate and that it represents the activities of an organization. It dictates that an organization's RIM policies and procedures must be understandably documented and that said documents will be available to appropriate parties. The Transparency Principle will increase confidence in the integrity of auditable information. This will result in increased speed of a conducted audit which ultimately decreases overall associated costs.

## **Section VI: Establishing a Records Management Program and Archives**

The term “archives” can have three basic meanings:

The noncurrent, semi-active, or inactive records of individual departments/agencies which are preserved because of their legal, fiscal, administrative, or historical value.

The administrative office or agency responsible for the records should partner with the center/archives to maintain the records and assist in the workflow process of how the records will be retrieved and the records final disposition.

The physical building or repository, equipment and supplies necessary to house records and archival records under specified environmental controls.

Because archival records originate from various offices and agencies, the most efficient way to manage such a variety of records is to maintain all records with enduring value in a centrally located archive/repository. Those responsible to retain the records should work with stakeholders to help champion this concept. The more you involve stakeholders the better your opportunity to leverage resources and build credibility for the records program.

With all the constraints on local government resources, a good place to start to establish critical relationships is with the Records Commission. The members of the commission can assist in providing critical budgetary and staff assistance for a centralized records management program.

Once there is buy-in for a centralized solution, a good place to start organized records management is to assign a person in each office to serve as the records officer. Ideally, the designated staff member will have a working knowledge of the office workflow including how records are created, how often they are referenced and when they can safely be either disposed or archived. The designated person should have an opportunity to acquire additional training in records management and archival techniques.

Archives should perform five basic functions: appraisal, accessioning, processing, and storage of inactive, permanent records, and reference services for both internal government and the public. Additionally, archives should have systems in place to ensure organizational control and protection of records.

### **Appraisal**

Records appraisal consists of determining the value of records. Public records document the actions and transactions of government and must be retained for varying lengths of time in accordance with administrative, legal, fiscal, and historical values. Appraisal is the process used to apply these values to a record and then uses the appropriate retention schedule to decide how long to keep it. Additional information on records appraisal can be found in Section VII.

## Accessioning

Records are accessioned when they are transferred from the custody of the creating agency or department into the care of the archive. This transaction should be documented by both the sending and receiving agencies. Though records will be in the custody of the archive, they are still 'owned' by the sending agency. Once received, records will be assigned retention based upon their administrative, fiscal, historical, or legal value and the period of time for which they will be retained is determined. The accessioning of the records into the custody of an archive/records center should be documented by a form which may contain the following:

- Identification of the office of origin
- Date received
- Barcode Label (if applicable)
- Container Description
- Record title and date range
- Schedule number (#)
- Destruction Date (Review date)

This form must be signed and dated by an authorized official of the transferring department and accepted by an authorized official of the county archives/records center.

## Processing

Archival records will need special care and attention to assure their preservation and usability. Processing of records accessioned/barcoded into the archives/records center involves preliminary inspection, arrangement, and description.

When records are ready to be accessioned or transferred, they should be checked regarding the following:

- Are any of the records in urgent need of repair or treatment for water damage, mold or vermin infestation?
- Are the files in archival boxes? Are there file folders within the boxes?
- Are the file folders labeled and self-explanatory?
- Are the records arranged in some type of order?

Answers to these questions should be noted while completing the accession/transmittal form. You should note any concerns on this form and provide a copy to the office of origin.

The primary principle of archival arrangement is to maintain the order of records as received from the office of origin. The initial treatment of records should reflect how the department/agency handles the functions and actions of the agency that created the records. This process will assist each agency in working as partners later.

The records of each department/agency should be coded separately, constituting a record group. Records of administrative units within a major office can be filed as a subgroup, and individual record series, as listed on appropriate retention schedules, should be arranged under subgroups. Records may be processed to eliminate extraneous materials such as duplicates and nonessential materials.

Records should be described and boxes labeled in a way that lets users understand the contents. Good descriptions ensure the efficient retrieval of records for government and public records requests.

## **Organizational Control**

It is also important to establish a well-organized inventory of the contents of your facility. How specific the inventory is, is dependent on your needs. The size of the collections and where you have chosen to have the records stored can impact how you inventory your items as well. With an in-house facility with several hundred to several thousand cubic feet of storage, a box/book level inventory with location codes might suffice your needs. If you have chosen to use an off-site vendor, a more specific item level inventory might fit your needs better as there will be lack of control regarding the specifics of location codes when using a third party to store your records.

However you chose to inventory your collection, be consistent with how you inventory. Depending on your needs, a basic Access Database or Excel Spreadsheet might be sufficient as these are cost-efficient. For larger institutions that are housing several thousand boxes of storage, with working with your Data Processing and/or IT department, a homegrown inventory system might work as you can implement an inventory database to specifically meet your needs.

Make sure what you are inventorying is marked appropriately and consistent. This can be aided with a unified box label for all items coming in and out of the facility. Update your inventory immediately when items get added to the facility or leave the facility so you have a record of exactly where those records are at all times. This is especially important if you are housing semi-active files or having items be moved temporarily for imaging/scanning.

Additional information on inventorying records can be found in Section VII.

## **Reference Services**

The archive/records center should include an area with set business hours designated for public reference. The reference area should be in close proximity to the records allowing for efficient retrieval of records and easy access for the public.

Reference services are a great benefit to constituents and can be as simple as answering questions about the content of the materials requested for inspection. A person should be designated to retrieve records for examination by patrons. If you have monetary issues, you might consider working with organizations in your community that would consider volunteering. You could also look at creating an accredited internship program that would assist the records center/archives.

Create a policy that governs the handling of records from the storage area. The policy should address restrictions on the handling of records by visitors. Examples of items to be covered include that there will be no food, beverages, or smoking in the archive/records center. Additionally, no records should be allowed to be removed from the reference area. Fees for copies should be set by the appropriate authority. A daily log of who has visited and referenced materials from the records center/archives should also be maintained.

## Storage Facilities

It is neither practical nor possible to keep every record created or received within the confines of most offices. Office space should contain only those records necessary for conducting daily business effectively. Alternative methods of storage are needed for the maintenance of records that must be kept for administrative, legal or fiscal reasons, but are not referenced regularly — i.e., semi-current or inactive records. Many of these records will be disposed of directly from the office due to their shorter retention period. Others require storage long after removal from the office. These records, especially those with extended retention periods or records kept permanently for historical value in their original format, require special storage conditions so that they will not rapidly deteriorate or suffer damage from fire, flood, infestation, or theft.

If large quantities of records are to be stored and a separate records center or archives is not available, it is necessary to dedicate a specific area to serve as a records center or records room. With proper care, this storage area will protect records from deterioration caused by excessive heat and humidity or by vermin infestation. With proper safety precautions, stored records will be relatively safe from fire, flood, or theft.

Records that are to be stored for extended periods require special storage conditions to avoid rapid deterioration or damage from fire, flood or theft. An ideal storage area will include temperature and humidity controls to keep the facility cool, dry and constant. Temperatures should range between 60 – 70 degrees Fahrenheit. Humidity should be between 40-50%. The storage area should be equipped with metal shelving 4-6 inches above the floor level. Records should be contained in standard sized storage boxes in a cool, dry, and fire-resistant room that can be kept locked against unauthorized entry. Boxes should be packed as if they were file drawers, in the same order in which they were maintained and not over-packed. Microfilm should be stored in metal microfilm storage cabinets. Fire alarms and extinguishers and an intrusion alarm system are part of an ideal records storage area. Many localities cannot provide the “ideal environment” to house records, but efforts should be made to meet as many criteria as possible.

Vital records, those essential to the continued operation of an agency in case of emergency, require the safest and most secure storage area possible, preferably in a building separate from the office operation. Similarly, security copies of microfilm must be kept in a separate location as stated in Ohio Revised Code § 9.01:

“... when recording or making a copy or reproduction of any such record, for the purpose of recording or copying, preserving, and protecting them, reducing space required for storage, or any similar purpose... the duplicates shall be stored in different buildings.”<sup>8</sup>

While this highlights typical hardcopy/physical media, it is also important to make sure that you are maintaining your electronic media in a similar way. The EDMS (electronic document management system) must be maintained in similar conditions as your paper/tape/micrographics storage facility, on a server located in a secure, dry, and fireproof location.

State Law 1 Ohio Revised Code § 149.43 requires that all public records be made available for inspection to the public during regular business hours. Well-planned and orderly records storage will facilitate compliance with this statutory requirement.

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<sup>8</sup> Ohio Rev. Code §9.01 (2011), available at <http://codes.ohio.gov/orc/gp9.01v1>

## Protection of Records

The statutory requirement to preserve and make available the records of a public office necessitate care is taken to protect public records. The following precautionary considerations are taken from the New Jersey Records Manual, 2013 Revision<sup>9</sup>:

- **Fire**  
Records storage areas should minimize exposure to losses from accidental fire by prohibiting smoking in the building and segregating combustible materials from records content. Well-appointed records areas have automatic sprinklers, smoke detection systems, fire doors and walls, and electrical wiring in metal conduit – all of which are inspected periodically by general building and fire code officials.
- **Vermin and Contamination**  
Records storage areas should offer protection against damage from vermin and environmental contamination. The organic substances in leather, pastes, and paper are a good source of food for vermin. Accumulated dust and debris provide a haven for the growth of insects and mold. Prevention measures depend upon the nature of the pestilence and include keeping the building clean, as well as conducting periodic exterminations and installing filtration for insects and fungus spores, if needed.
- **Temperature and Humidity**  
Records storage areas should provide environmental controls and inspection regimes that guard against extreme fluctuations of temperature and humidity that hasten records deterioration. Periodic inspections of the storage facility include monitoring for plumbing leaks, standing water, and excess humidity. Records storage boxes may be examined randomly for mold, infestation, or other signs of deterioration. An ideal records storage area will have temperature and humidity controls that maintain 40%-50% relative humidity and a temperature range of 60° – 70° Fahrenheit. The controls should be set to prevent excessive and short-term fluctuations in temperature and humidity. This storage area should be equipped with fireproof shelving, standard-sized storage boxes, fire alarms and extinguisher, and an intrusion alarm system. If microfilm is to be stored, the area should also have appropriate fire/humidity proof microfilm cabinets. Inexpensive exhaust fans and portable dehumidifiers will help to maintain an environment suitable for records storage.
- **Access Control and Physical Security**  
Only authorized staff members are allowed to access records stored in a records storage center. Staff should maintain lists or registries of persons to whom records may be released. Other security controls include video monitors, guards at stations and on patrol, key card access (for authorized personnel only), central station intrusion detection and alarm systems, and separate locks on all doors.

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<sup>9</sup> New Jersey Department of the Treasury, *New Jersey Records Manual*, chapter 3 (2013). Available online at <http://www.nj.gov/treasury/revenue/rms/RecordsManual.shtml>

## Preservation and Conservation

While most government records are in acceptable condition and maintained with diligence, some records could be affected by adverse conditions which could hasten deterioration. Extra emphasis should be placed on permanent/historical records that meet these criteria.

The main difference between preservation and conservation is that preservation strives to prevent or slow down deterioration to records, whereas conservation is the use of treatments to reverse damage to documents.

Preservation techniques include providing proper environmental controls, lighting, shelving, boxes and folders. It can also include processing procedures such as removing paperclips and staples or flattening documents. Microfilming and digitization can also be considered preservation methods. Filming preserves older, deteriorating documents by generating durable working copies for researchers as well as archival master copies for permanent storage, which ensures access while protecting the original document. Fragile records can also be sleeved or encapsulated using Mylar or other polyester film. This is not the same as laminating, which should not be done, but rather creates a loose protective enclosure that can be removed if necessary.

Conservation involves repairing and mending documents or removing adhesives. Conservation techniques require knowledge and experience in order to ensure that their application does not unwittingly hasten deterioration and should only be performed by a trained conservator. If there is a need for conservation, local officials with assistance from records manager should look for a private vendor to apply conservation techniques.<sup>10</sup>

If moldy or insect-infested records are identified, they should be segregated from the archive/records center to avoid contamination of other records. The Northeast Document Conservation Center (NEDCC) is a nonprofit organization that publishes great resources for dealing with issues like these. Their online preservation [leaflets](https://www.nedcc.org/free-resources/preservation-leaflets/overview) contain step by step instructions for records emergency management.<sup>11</sup> Routine inspections of records can detect potential problems.

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<sup>10</sup> John H. Slate & Kaye Lanning Minchew, *Managing local government archives*. (Lanham, MD: Rowman & Littlefield, 2016), 54.

<sup>11</sup> Northeast Document Conservation Center, *Preservation Leaflets*. Available online at <https://www.nedcc.org/free-resources/preservation-leaflets/overview>

## Section VII: Records Retention

Establishing a records management program may seem like an overwhelming task, but following the process below will get a local government on the right path in a few easy steps.

### Inventory

Proper records management begins with a records inventory. An inventory should be done if the agency has never worked on records management or has not revisited their plan in several years. Inventories allow agencies to identify what records are created and stored (e.g. types, formats, etc.), where they store them, and how often they reference them. This information helps create a useful retention and disposition schedule. Inventory forms should not be submitted to the State Archives-LGRP.

Records are categorized as “records series” during an inventory. A records series is defined as “a group of similar records that are arranged according to a filing system and that are related as a result of being created, received, or used in the same activity<sup>12</sup>.” Examples of records series include committee minutes, purchase orders, executive correspondence, etc.

An inventory may seem like a daunting task, but the concept of a records series should help dispel anxiety. The level of detail necessary to survey every single record is not necessary for an inventory. Records are considered as a part of a larger group (i.e. the records series) instead of individually, which eliminates the need to document the specific details of every record.

Several pieces of information need to be collected while performing a records inventory. The Records Series Inventory Form (Appendix A) can be used to effectively collect and synthesize this information. When identifying a record series address these questions: 1) are these records filed together, 2) do these records have a common purpose, and 3) are they needed for the same time period. When a records series is identified, the department where it originates and/or is used should be recorded, the series should be given a name and a definition. If the records series was previously scheduled the schedule number and date of records commission approval should also be included. It is also a good idea to indicate whether the record series is still being created or not. The arrangement (e.g. alphabetical, chronological, by case number, etc.), inclusive dates, volume, location, and media types also need to be included. Other pieces of information may be worth collecting as well, for example: the individual responsible for these records, physical condition, rate of accumulation, how often they are accessed, when they stop being accessed, any legal considerations, date of inventory, if they are considered vital records, whether this department’s version is the record copy or the use copy, recommended retention period, etc.

Another essential aspect of a records inventory is interviews with the staff who work with particular records series. These conversations help uncover the general purpose and function of the records series. They also can highlight any areas of concern that might be addressed by a useful retention and disposition schedule. You may also want to designate a records officer for each department before or during a records inventory.

The data collected in a records inventory is not limited in value to creating a retention and disposition schedule. It can help determine when certain records series should be moved to offsite storage (or if any should be returned), it may point out problems with

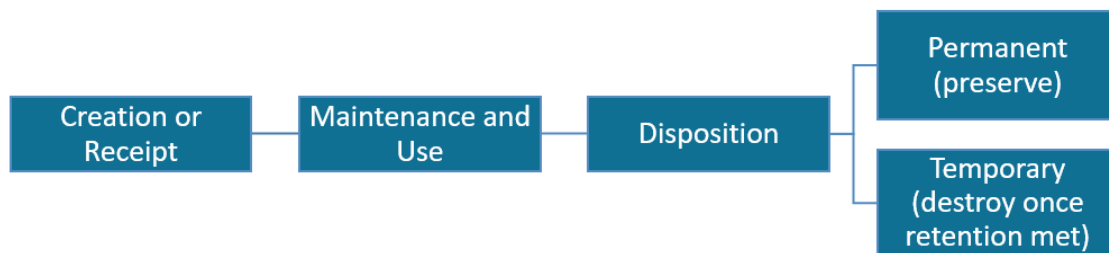
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<sup>12</sup> Richard Pearce-Moses. *A Glossary of Archival and Records Terminology*. (Chicago: The Society of American Archivists, 2005), 338. Available at <http://files.archivists.org/pubs/free/SAA-Glossary-2005.pdf>.

retrieval/completing public records requests in a timely fashion, and it may allow an agency to see an opportunity to take advantage of scanning, microfilming, or other duplication methods in order to deal with storage and/or preservation concerns.

## Records Life Cycle

Doing a records inventory will give you some insight into the records life cycle. The records life cycle is defined as "the distinct phases of a record's existence, from creation to final disposition<sup>13</sup>." There are several different records life cycle models, but they all contain stages for creation/receipt, use, and disposition. The model may also distinguish between active and inactive records. A record is first created/received and then used or referred to by the creating office or by others. Then the record is determined to have met its useful life and been disposed, retained permanently, or it is placed into storage where it may be inactive but still necessary for the office. After storage a record may then face disposition or it may be retained permanently either in the office, off-site, or, perhaps, at a new repository (e.g. local historical society, public library, etc.). It is as important to dispose of records in a timely fashion as it is to appropriately retain public records. The records life cycle makes this clear; otherwise useless records become an unnecessary burden. Retaining records beyond their retention causes local governments to spend money on storage, equipment, and supplies. Active records may become harder to access due to an accumulation of records that have met their useful life span. Huge stacks of records can be physically dangerous and pose safety threats. Understanding the natural progression in the usefulness of a record plus the knowledge gained in the inventory will help accomplish the next task: appraisal.



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<sup>13</sup> Pearce-Moses, 232.

## Appraisal—Records Analysis

Once a records inventory is completed the various values associated with records need to be evaluated in order to determine appropriate retention periods. This process is called “appraisal” or “evaluation.” Evaluation is determining the value of records in regards to the records life cycle. This is different from *archival* appraisal, which concerns whether a record is worth permanent preservation in an archive or special collection, and from *monetary* appraisal.

There are four basic values that need to be assessed for each record series: administrative, fiscal, legal, and historical.

- **Administrative Value** - Use in carrying out an agency’s functions (Check with the records creators)
- **Fiscal Value** - Pertains to the receipt, transfer, payment, adjustment, or encumbrances of funds; may be required for an audit (Check with the auditor, fiscal officer, etc.)
- **Legal Value** - Documents or protects rights or obligations of citizens or of the agency that created it; retain until all legal rights and obligations expire (Check with legal counsel)
- **Historical Value** - Documents an agency’s organization, policies, decisions, procedures, operations, and other activities; contains significant information about people, places, or events and may have secondary value as a source of information for persons other than the creator (Check with the State Archives-LGRP)

The Record Series Analysis Form (Appendix 2) can help collect this information. It asks specific questions about how often records are used, what would happen if they were no longer available, how often audits are conducted, what Ohio Revised Code or Federal laws regulate the records, if they are exempt from disclosure, if they contain necessary redactions before disclosure, and whether there is any informational content that could be considered historical. All records series will have administrative value, but not all records series will have the other three values. Often there will be a combination of appropriate values.

Analyzing the four values will give you the minimum amount of time each record series needs to be retained for each value. The retention period of a record series should be set based on the value with the longest minimum amount of time necessary for retention. For example, an agency may have a contracts record series that is necessary in the office until the contracts expire (administrative value), necessary for an audit (fiscal value), and for which the statute of limitations expires eight years after expiration per the Ohio Revised Code (legal value). The retention period for this contracts record series should be set at “eight years after expiration.”

Retention periods can be expressed in one of three ways:

- **Time** (e.g. 3 years, permanent, etc.)
- **Event/Action** (e.g. until audited, until no longer of administrative value, etc.)
- **Combination** (e.g. 3 years after case is closed, 8 years after expiration, etc.)

They can also be divided based on storage location or media type. For example, “retain in office for 3 years, move to offsite storage and retain for 7 more years, then dispose” or “retain paper version until scanned and quality control checked, then dispose; retain electronic version for 10 years.”

During this procedure a local government may also consider all the copies, drafts, voicemail messages, quick emails about changes in meeting locations, etc. that offices create or receive. These types of records are called “transient” or “transitory.” They only have modest administrative value. Usually they communicate information of temporary importance in lieu of oral communication. While these records can be public records and they should be

properly scheduled on the RC-2 form, they need not be retained long term. The State Archives-LGRP suggests that transitory records are scheduled as follows:

Schedule Number	Record Series Title & Description	Retention Period	Media Type
####	COPIES OF RECORDS Additional copies of records or images which are no longer required and serve no useful purpose.	Until no longer of administrative value.	Paper/Electronic
####	DRAFTS/TRANSIENT RECORDS Preliminary working documents and other documents which serve to convey information of temporary importance in lieu of oral communication.	Until no longer of administrative value.	Paper/Electronic

It is important to remember that retention periods are not static. They change as laws and business practices change. For example, the statute of limitations for contracts set in the Ohio Revised Code changed from fifteen years to eight years, allowing the retention period for contracts to shorten due to a change in their legal value. Remember to stay abreast of legislation that will affect your records as well as making sure to alter retention periods as your local business practices/procedures change.

## The RC Forms

The RC forms are a standardized way for local governments in the state of Ohio to collect, submit, and file the information necessary to be in compliance with the Public Records Law. There are three different forms: Records Retention Schedule (RC-2), Certificate of Records Disposal (RC-3), and One-Time Disposal of Obsolete Records (RC-1). Word and PDF versions of these forms can be found on the State Archives-LGRP website.

### Records Retention Schedules (RC-2)

The Records Retention Schedule (RC-2) is the basis of a local government's records management program. It lists all ongoing records series with appropriate retention periods and media types. Proper scheduling of records series on an RC-2 allows for the legal disposal of public records. An accurate RC-2 allows a local government to negotiate public records requests as well.

Part 1 of the RC-2 form contains the signatures that authorize the retention schedule. Section A should be filled out with the contact information for the department and contains the signature of the responsible official. Section B should be filled out with the contact information for the local records commission and the signature of the chairperson. The chairperson's signature certifies that the RC-2 was approved in an open meeting of the records commission<sup>14</sup>. Section C has a signature from the reviewing party at the State Archives-LGRP and Section D has a signature from the reviewing party at the Auditor of State's office. All four signatures must be present on the RC-2 form to make it valid.

In Part 2 Section E of the RC-2 form the retention schedule is laid out. It includes a unique schedule number for each record series in column 1. Schedule numbers are a way of organizing and labeling your records boxes/electronic folders in order to have more intellectual control over your records. Labeling boxes and electronic folders with schedule numbers allows the records manager to quickly identify the contents without having to rifle through the papers or open up the folder on the server. Schedule numbers can be created in the way that makes the most sense locally. Many local government agencies generate them using acronyms related to the relevant department (e.g. HR-001, HR-002, ADM-035, ADM-036, etc.). Other local governments create entirely numeric schedule numbers, often based on the fiscal year of the creation of the RC-2 form (e.g. 2013-001, 2013-002, 2014-035, 2014-036, etc.). Make sure there is a consistent system in place in order to avoid duplicate schedule numbers and confusion between departments.

RC-2 forms also include the record series title and description, which were created during the inventory, in column 2. The description is important because, while a record series' contents may seem obvious to the records creator, a member of the public may not understand what is being scheduled and that knowledge might not be obvious to a subsequent person filling that position in the office. It is also helpful to the State Archives-LGRP when reviewing the RC-2 form to understand exactly what pieces of information are found in any given records series.

Column 3 of the RC-2 form records the retention period. Retention periods should be expressed by time, an event/action, or a combination of the two. Make sure that media types are separated within the same record series if they have different retention periods. Media type is recorded in column 4. Please leave column 5 blank; the State Archives-LGRP will use

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<sup>14</sup>1 Ohio Rev. Code §121.22 (2011), available at <http://codes.ohio.gov/orc/121.22>

column 5 to make any clarifying notes. The State Archives-LGRP will also use column 6 to mark which records series require a Certificate of Records Disposal (RC-3) prior to disposal, which will be discussed below.

Part 2 of the completed retention schedule should look like this:

## Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2

*See instructions before completing this form.*

Ohio Village, Village of  
(local government entity)

General Records/Village Wide  
(unit)

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

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
Gen-001	<b>Agendas</b> Records documenting items to be discussed during a meeting	1 year	Paper/ Electronic		<input type="checkbox"/>
Gen-002	<b>Awards</b> Certificates and awards given to municipal departments, divisions, and/or officials	Until no longer of administrative value	Paper/ Electronic		<input type="checkbox"/>
Gen-003	<b>Bids (Successful)</b> Records documenting the publicizing, hearing and awarding of quoted bids to vendors for services and/or merchandise, including request for proposal, invitation to bid, requests for qualifications and statement of qualifications	8 years after expiration of contract (ORC 2305.06)	Paper		<input type="checkbox"/>
Gen-004	<b>Bids (Unsuccessful)</b> Records documenting the publicizing and hearing of quoted bids to vendors for services and/or merchandise not selected, including request for proposal, invitation to bid, requests for qualifications and statement of qualifications	2 years	Paper		<input type="checkbox"/>

### Certificates of Records Disposal (RC-3)

The Certificate of Records Disposal (RC-3) is the form which is used to propose the disposal of records belonging to ongoing records series which have been properly scheduled on an RC-2 form. The RC-3 form only needs to be used for records series which have been marked by the State Archives-LGRP as requiring an RC-3 prior to disposal for RC-2 forms which were signed on or after September 29, 2011 by the local records commission chairperson. If the RC-2 predates September 29, 2011 please submit an RC-3 to the State Archives-LGRP for all records series. The State Archives-LGRP *strongly* suggests that a permanent and internal record of all public records disposals is maintained by the local records commission regardless of whether the RC-3 form is required to be submitted or not.

The first page of the RC-3 form contains the contact information and authorization signature from the responsible official. The signature certifies that the records listed on the RC-3 form have met the respective retention periods based on approved RC-2 forms and that none of the records proposed for disposal are relevant to any pending litigation/complaint. The RC-3 form only requires the signature of the responsible official and does not require the signature of the chairperson of the records commission.

The second page of the RC-3 is where records are proposed for disposal. Column 1 contains the record series title. It should be the same title found on the approved RC-2 form. Specific information about case numbers, employee names, etc. does not need to be included. Column 2a contains the appropriate schedule number for that record series title. The schedule number should match the schedule number found on the approved RC-2. Column 2b contains the date the RC-2 on which this schedule number is found was approved by the local records commission. It is not the date the RC-3 was reviewed by the local records commission. This date helps the State Archives-LGRP verify that approved retention periods are being followed and allows the State Archives-LGRP to locate the appropriate RC-2 for that verification. Column 3 records the media type which is proposed for disposal. Column 4 only needs to be used if the record is being maintained on a different media type than the one proposed for disposal. Column 5 lists the inclusive dates of the records proposed for disposal. Please provide dates that are as specific as possible. Try to avoid phrases like "prior to," "up to," "after," etc. It is best to provide month and year information (e.g. 4/2008 through 3/2012). If only years are provided the State Archives-LGRP will assume that the entire calendar year is proposed for disposal. Dates help the State Archives-LGRP appraise the records for possible historical value and enable the local government to fully document disposal. Please provide the proposed date of destruction in column 6. This date must be at least 15 *business* days after the State Archives-LGRP receives the RC-3 for review. The State Archives-LGRP will use column 7 to make any clarifying notes or to mark records for possible transfer.

Note that with the passage of House Bill 153 by the 129<sup>th</sup> General Assembly, if your Records RC-2 was signed by your local records commission after September 29, 2011, RC-3 forms will only be required for records series indicated by State Archives-LGRP on your RC-2 form. If the record series indicates that an RC-3 is required or if your RC-2 was signed on or before September 29, 2011, an RC-3 is required before records are destroyed. The Local Government Records Program has 15 business days to review the RC-3. Please contact the State Archives-LGRP if you wish to dispose of a record that is more than 50 years old, even if the RC-2 does not require a RC-3. While the age of a record is not the only factor that determines historical value, in general, records that are 50 years old or older are more likely to have historical value. We suggest that your local records commission continues to document the disposal of records series internally. The local records commission can decide if they would like to receive an RC-3 from a department/agency if one is not required by the State Archives-LGRP.

Part 2 of the completed RC-3 should look like this:

Page \_\_\_\_ of \_\_\_\_



**CERTIFICATE OF RECORDS DISPOSAL (RC-3) – Part 2**  
*See instructions before completing this form. Must be submitted with Part 1*

Ohio Village, Village of

Human Resources

(political subdivision name)

(unit)

(1) Records Series Title	(2) Authorization for Disposal		(3) Media Type To be destroyed	(4) Media Type To be retained (if any)	(5) Inclusive Dates of Records		(6) Proposed date of destruction  (15 business days from receipt by LGRP)	(7) For LGRP use
	Schedule Number	Date the RC- 2 was approved by the Records Commission			From	To		
Applications for employment (not hired)	HR-11	7/28/2008	Paper	N/A	1/1/2013-	12/31/2013	5/18/2016	
Worker's Compensation Case Files	HR-28	7/28/2008	Paper	Electronic	1/1/2012-	12/31/2012	5/18/2016	
Employee Time Cards	HR-14	7/28/2008	Paper	N/A	1/1/2012-	12/31/2012	5/18/2016	

## One-Time Disposal of Obsolete Records (RC-1)

The One-Time Disposal of Obsolete Records (RC-1) is the most difficult form to understand and it should be used the least. RC-1 forms are used to propose the disposal of obsolete records. Obsolete records are records that have never been properly scheduled on an RC-2 *and* are no longer created or were only created once. Records inventories often help local governments discover obsolete records. If obsolete records are found and they no longer have any administrative, fiscal, legal, or historical value they should be listed on the RC-1 form and proposed for disposal. RC-1 forms are also used to document any early destruction of records due to disaster as well as document records transfers. If there are any questions about the appropriateness of the RC-1 form, please contact the State Archives-LGRP.

The first page of the RC-1 form is exactly the same as Part 1 of the RC-2 form. The second page is where the obsolete records are listed for review prior to disposal. In column 1 please provide a schedule number for each record series proposed for disposal. This can seem confusing because a schedule number should not already exist for them and creating one seems unnecessary since they will not require management once they are disposed. A simple numbering down the list is sufficient here (e.g. 1, 2, 3, etc.) or even incorporating the RC-1 designation can work (e.g. RC1-001, RC1-002, etc.). Column 2 lists the records proposed for disposal with a brief description and the inclusive dates. This information is vital to helping the State Archives-LGRP appraise these records for possible historical value, so please be as detailed as possible. Column 3 lists the media type to be disposed and column 4 lists any other media types on which this record is being maintained. Please leave column 5 empty; the State Archives-LGRP will use this column to make any clarifying notes or mark records for possible transfer.

Part 2 of the completed RC-1 should look like this:

Page 2 of 2

### ONE-TIME DISPOSAL OF OBSOLETE RECORDS (RC-1) - Part 2

*See instructions before completing this form. Must be submitted with PART 1*

#### Section E: Table of Records to be Disposed

Ohio Village, Village of

Council

(local government entity)

(unit)

(1) Schedule Number	(2) Record Title and Description (Inclusive Dates)	(3) Media Type to be disposed	(4) Media Type to be retained	(5) For use by LGRP or Auditor of State
16-01	Jan 1972-Dec 1980 Mayor's Court Correspondence (Mayor's Court no longer in existence), 1 box	Paper	Microfilm	
16-02	Jan 1942- Aug 1945 Civilian War Assistance Records, 2 folders	N/A	Proposed for transfer to Ohio Village Historical Society pending review	

## The RC Form Review/Approval Process

The RC form review and approval process can seem intimidating at first, but there are only a couple of steps that a local government needs to remember. The processes for RC-2 and RC-1 forms take the same amount of time and are very similar. RC-3 forms are processed within fifteen business days.

### RC-2 Review/Approval Process

Once the retention schedule has been compiled on the RC-2 (Section E) it is ready to begin the review and approval process. It should first be signed by the responsible official for the appropriate department in Section A. That signature means that the RC-2 is ready to be discussed in an open meeting of the local records commission. Different records commissions have different requirements on how often they are required by statute to meet; please consult the Sunshine Laws Manual produced by the Ohio Attorney General's office for more details regarding records commission rules and rules concerning the Open Meetings Act. The Sunshine Laws Manual can be found on the Ohio Attorney General's website as a searchable PDF. After the local records commission has discussed the RC-2 at an open meeting and approved its contents, the chairperson must sign the RC-2 in Section B.

Those two signatures mean that the RC-2 is ready to be reviewed by the State Archives-LGRP. Local governments can fax, mail, or email the signed RC-2:

Ohio History Connection  
Attn: Local Government Records Program  
800 E. 17<sup>th</sup> Ave.  
Columbus, OH 43211  
(614) 297-2546 [fax]  
[localrecs@ohiohistory.org](mailto:localrecs@ohiohistory.org)

Only send the signed RC-2 to the State Archives-LGRP; it does not need to be sent to the Auditor of State's office at the same time. The State Archives-LGRP will forward it to the Auditor of State's office at the appropriate time.

State Archives-LGRP has 60 days to review an RC-2<sup>15</sup>. Records series which will require an RC-3 prior to disposal will be marked by the State Archives-LGRP. During that time the State Archives-LGRP may contact the local government for more information concerning the records listed. There may also be issues with the retention schedule that require it to be sent back to the originating department for revisions. The State Archives-LGRP will communicate with the local government concerning all issues and questions. When the RC-2 is determined to be sufficient by the State Archives-LGRP it will be signed and forwarded to the Auditor of State's office for approval.

The Auditor of State's office also has 60 days to review an RC-2<sup>16</sup>. The total review process can take up to 120 days. After the Auditor of State's office has signed the RC-2 form they will send it back to the State Archives-LGRP. The State Archives-LGRP will retain the RC-2 permanently. A copy will be made and returned to the local government in the manner requested. If an email address is provided in Section B of Part 1, the signed and approved RC-2 will be returned as a PDF via email. If no email address is provided, a hardcopy version will be sent back to the

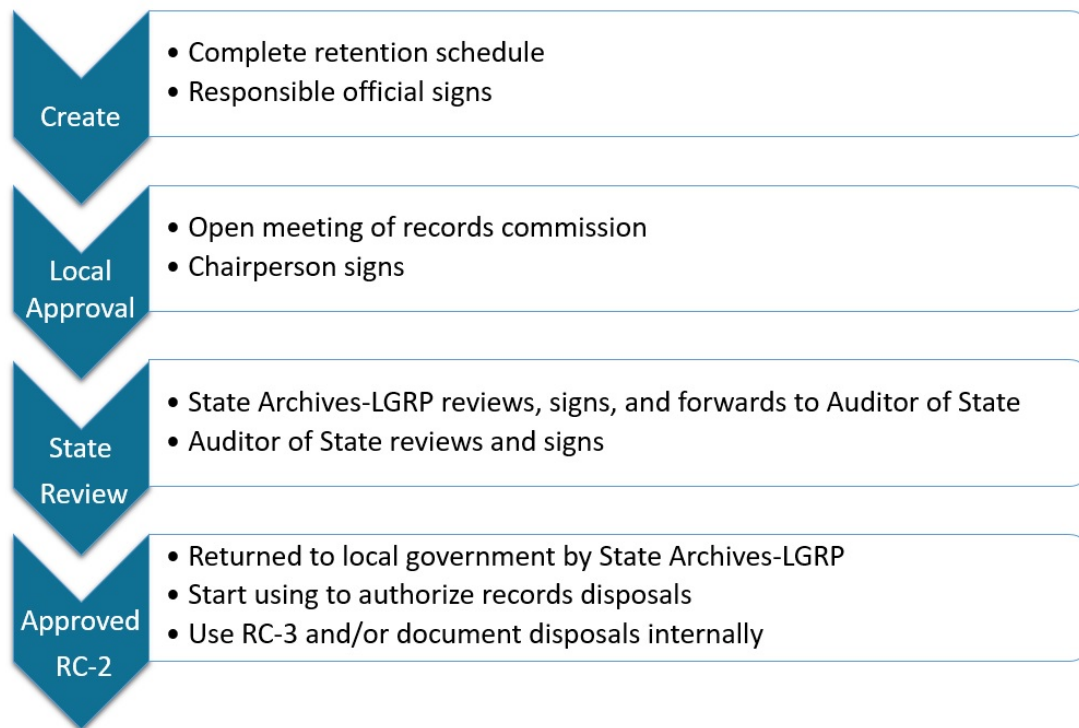
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<sup>15</sup> 1 Ohio Rev. Code §149.381 (B) (2011), available at <http://codes.ohio.gov/orc/149.381>

<sup>16</sup> 1 Ohio Rev. Code §149.381 (B) (2011), available at <http://codes.ohio.gov/orc/149.381>

records commission via mail. Only one method will be utilized. The RC-2 is in effect once it has all four signatures and has been returned to the local government.

The review process for RC-2 forms is as follows:



### RC-3 Review/Approval Process

The RC-3 form can only be used if there is an approved RC-2 on file at the State Archives-LGRP. After an RC-2 is completely signed and returned by the State Archives-LGRP it can be used to authorize the disposal of the listed records series. Use the RC-2 to determine which records series have met their retention periods and are eligible for disposal. If any records series require an RC-3 prior to disposal (*only on RC-2 forms signed on or after September 29, 2011*) please complete the RC-3 form and submit it at least 15 business days before your proposed date of disposal. The RC-3 form only needs to be signed by the responsible official before being sent to the State Archives-LGRP. They can be sent via fax, postal mail, or email. If a record series does not require an RC-3 form prior to disposal, please document the disposal internally. It is the decision of the local records commission if they want to be notified before a disposal. If a record series does not require an RC-3 form prior to disposal per the State Archives-LGRP, contact your local records commission regarding if they request to review the disposal. Please remember that all records series scheduled on RC-2 forms that were approved prior to September 29, 2011 require RC-3 forms before disposal.

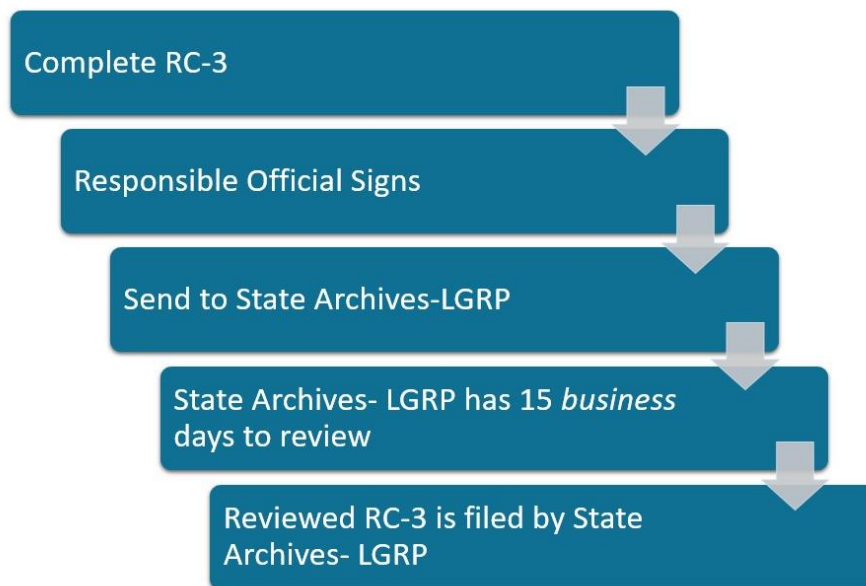
The State Archives-LGRP has 15 *business* days to review an RC-3<sup>17</sup>. During the review period the State Archives-LGRP may contact the local government with questions about the records proposed for disposal. Sometimes the State Archives-LGRP will contact the local government about the possibility of transferring some of the records. In the event of a transfer the State Archives-LGRP will guide a local government through the process. If there are no issues with

<sup>17</sup> 1 Ohio Rev. Code §149.381 (D) (2011), available at <http://codes.ohio.gov/orc/149.381>

the RC-3 form or they were resolved through phone calls and emails, the reviewing party from the State Archives-LGRP will initial the RC-3 form. The RC-3 will be filed at the State Archives-LGRP.

Local governments do not receive notice or a copy of the initialed RC-3 form. If they do not hear from the State Archives-LGRP within the 15 business day review period they are free to dispose of the records listed on the RC-3 form on their proposed date of disposal. Copies of initialed RC-3 forms can be sent to the local government if requested in one of two ways: 1) send in two signed RC-3 forms with a self-addressed, stamped envelope or 2) provide an email address near the signature line on the RC-3 form.

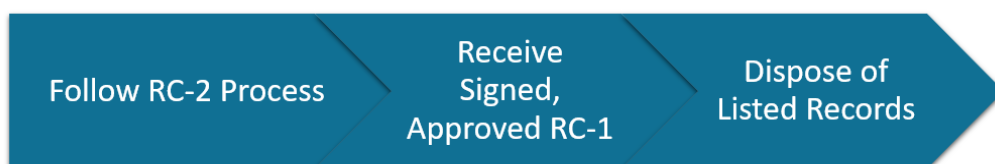
The review process for RC-3 forms is as follows:



#### RC-1 Review/Approval Process

The review and approval process for the RC-1 form is the same as the process for the RC-2 form. The only difference is that when a local government receives the signed, approved RC-1 back from the State Archives-LGRP they may proceed with the disposal of the listed records without filing an RC-3 form. Review and approval of the RC-1 form by the local records commission, the State Archives-LGRP, and the Auditor of State's office authorize the disposal of the records listed. The State Archives-LGRP does suggest that a permanent and internal record of disposals based on RC-1 forms be retained by the local records commission. An easy way to follow this suggestion is to retain RC-1 forms permanently.

The review process for RC-1 forms is as follows:



## Transferring Public Records

The inventory or RC form review and approval process may reveal records that could be better served by being transferred. In Ohio public records can only be transferred by written agreement to public or quasi-public institutions<sup>18</sup>. The State Archives-LGRP works to facilitate these transfers to local historical societies, local genealogy societies, local public libraries, members of the Ohio Network of American History Research (ONAHR) Centers, or the State Archives, which is a member of the ONAHR Centers. As the archives administration for the state of Ohio, the Ohio History Connection organized the ONAHR Centers in 1970 to provide for the preservation of historically valuable local government records. Composed of four state universities and Ohio's two largest historical societies, the network members preserve and make available all forms of documentation relating to Ohio's past.

The State Archives-LGRP will initiate the process if records that are thought to be of enduring historical value and worth transferring are found during the review of RC forms. Often records worth transferring are found by the local government during an inventory or through the normal course of business. Sometimes a relationship with a local institution provides an opportunity for records transfer. In these cases, please contact the State Archives-LGRP to discuss the transfer before proceeding. There are some records that should not be transferred because of rules exempting them from disclosure<sup>19</sup>. For example, records containing personally identifiable information about any student beyond what is considered "directory information"<sup>20</sup> should not be transferred<sup>21</sup>.

Transfers to local historical societies, local genealogy societies, and local public libraries require paperwork that is signed by the new repository and the State Archives. This paperwork certifies that the new repository understands their role as a custodian of public records. It confirms that the new repository will provide access to the records and will store them in an appropriate manner. Importantly, it also states that the new repository will contact the State Archives if they decide at any point that they no longer wish to be the custodians of these public records. This is to help ensure that public records remain in the public trust and are not delivered to private hands where they will no longer be accessible. This paperwork is maintained by the State Archives-LGRP permanently and is a very important paper trail. Past transfer paperwork is used to help locate seemingly missing public records. A copy of the signed transfer paperwork is also forwarded to the local records commission and the new repository. It should be retained permanently by both organizations.

Transfers to a member of the ONAHR Centers or to the State Archives will also require paperwork. The members of the ONAHR Centers will complete their own local paperwork and forward a copy of it to the State Archives-LGRP to file as well.

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<sup>18</sup> 1 Ohio Rev. Code §149.31 (A) (2011), available at <http://codes.ohio.gov/orc/149.31>

<sup>19</sup> 1 Ohio Rev. Code §149.43 (2011), available at <http://codes.ohio.gov/orc/149.43v2>

<sup>20</sup> 1 Ohio Rev. Code §3319.321 (2011), available at <http://codes.ohio.gov/orc/3319.321>

<sup>21</sup> 1 Ohio Rev. Code §149.381 (E) (2) (2011), available at <http://codes.ohio.gov/orc/149.381>

## Records Management and the Courts

In Ohio the records of the courts are governed by the Rules of Superintendence. These were adopted by the Supreme Court of Ohio and were put into effect on October 1, 1997. They are applicable to all courts of appeal, courts of common pleas, municipal courts, and county courts in Ohio. The Rules do not apply to Mayor's Courts. Superintendence Rule 26 through 26.05 concern court record management, retention, and disposal. Courts in Ohio must follow the retention periods given in the Rules. Implementation is considered a judicial government function.

Courts are not required to submit RC forms to the State Archives-LGRP. They are, however, required to inform the State Archives-LGRP in writing of the proposed disposal of records series with a retention period greater than 10 years or of records that were created prior to 1960<sup>22</sup>. Sixty (60) day notice is required. RC-3 forms can be used to fulfill this requirement, but they are not necessary.

Any questions about the implementation of the Rules should be directed to the court legal counsel.

## Summary

Establishing a records management program begins with performing a records inventory. The inventory informs the local government about the current situation concerning records and highlights areas for improvement in the future. Inventories are used to help schedule records as ongoing records series on the Records Retention Schedule (RC-2). Records are proposed for disposal using the Certificate of Records Disposal (RC-3) or the One-Time Disposal of Obsolete Records (RC-1). An RC-2 is necessary for full compliance with the Public Records Law, but it is useless if it is not systematically applied to all records listed. Public records may be transferred to public or quasi-public institutions by written agreement, but please contact the State Archives-LGRP to facilitate the transfer.

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<sup>22</sup>*Rules of Superintendence for the Courts*. The Supreme Court of Ohio, 2017. Sup. R. 26 (E), page 226. Available online at <http://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/Superintendence.pdf>

## Section VIII: Imaging Records

### Introduction

Imaging and scanning records has changed the way we keep many of our essential and non-essential records. When done correctly and efficiently, imaging can allow for reliable, cost-effective ways for management of our records. This overview is meant to be a resource regarding records that are not considered “born-digital” by discussing advantages and disadvantages, associated costs and in-house imaging vs. outsource imaging. A well designed imaging system will improve productivity and quality of service to the public.

According to the *Guidelines for Digital Imaging of Public Records* by the Ohio Electronic Records Committee, “digital document imaging is defined as the conversion, storage, and distribution of information displayed but not directly modified by a computer.”<sup>23</sup>

Digitized images may be subject to the Public Records Law and public records requests under 1 Ohio Revised Code § 149.<sup>24</sup> For more information about Public Records and the Law, please consult Section IV, Records Management and the Law.

### Advantages/Disadvantages

Before starting any imaging project it is very important to do an analysis and proper inventory of your items to decide whether this project is worth the time for imaging. It is important to know the project’s mission, users, priorities (e.g. speed, image quality, and quantity), and functional goals (e.g. reference, web use, publication, etc.).<sup>25</sup> Analyze your staff expertise and availability to scan, manage infrastructure, migrate data, and build metadata and address any issues of content, such as physical condition, format, nature, and attributes to be captured before beginning. The cost of imaging items does not just include the cost of maintaining your digital images; it includes your manpower, cost of maintaining your software/equipment, and migrating your metadata every 5-10 years if the records have a long-term retention period (i.e. greater than 10 years). While digitizing older historical records is not discouraged, retaining only the digital image as the permanent record is due to uncertainty regarding data and metadata migration as well as the unproven status of long-term preservation/retention of digital records. For further information consult the State Archives’ Statement on Maintaining Digitally Imaged Records Permanently at [http://www.ohiohistory.org/statearchives\\_statement](http://www.ohiohistory.org/statearchives_statement).

*These references are from the National Archives and Records Administration and should be used as a tool for analysis of whether imaging is right for your materials.*

What are possible advantages and disadvantages of maintaining records as digital images?

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<sup>23</sup> Ohio Electronic Records Committee, *Guidelines for Digital Imaging of Public Record* (2010). Available online at <http://ohioerc.org/wp-content/uploads/2014/09/DIguidelines1.pdf>

<sup>24</sup> 1 Ohio Rev. Code. § 149.011 (2011), available at <http://codes.ohio.gov/orc/149.011>

<sup>25</sup> National Archives and Records Administration, *Frequently Asked Questions about Imaged Records* (2004). Available online at <http://www.archives.gov/records-mgmt/faqs/imaged.html>.

## Advantages

- Ability to use very high-density electronic storage media instead of paper.
- Shorter retrieval time when the images are well indexed.
- Multiple users and access levels are possible.
- Low shipping costs and ease of information dissemination.
- Ease of use of imaged copies of records in vital records and disaster recovery plans.
- Ready access to digitized records may assist organizations needing to retrieve information efficiently during litigation and discovery.
- Ease of making copies of the imaged records.
- No loss of digital image quality from generation to generation provided migration is done timely and well.
- Well-made copies and derivatives can be as good as the original images.

## Disadvantages

- Digital images are not eye-readable without computer equipment.
- Significant equipment costs, including hardware and software.
- Potential for hardware and software obsolescence. Generally, systems change every 18 months to 5 years, software changes every 2-3 years, and the life expectancy of media is relatively short.
- Indexing requirements may be more extensive than is required with other formats.
- Unless records are arranged in a logical sequence or clearly indexed, it may be difficult to identify a series or to use groups of records as a series.
- Different types of scanners may be required to scan text, oversize items, photographic prints, slides, and other formats.
- Digital quality control and image and metadata capture and management are complex, time-consuming processes requiring expertise.
- Complex disposition and potential problems in implementing dispositions need to be addressed.

## Tips and Guidelines for Document Imaging/Scanning

Once all of the pros and cons have been analyzed, an agency can proceed through the steps of document imaging. These tips are meant as a guide.

Before embarking on your project, it is necessary to develop some form of policy and procedure manual. It should be discussed with imaging staff especially regarding the hardware and the software being used. This includes proper procedures regarding:

- Security of documents
- Document preparation including, but not limited to, removal of staples, binder clips, and paper clips
- Use of the scanning equipment
- Quality control of the images
- Indexing of materials once they have been scanned/imaged
- Best techniques for metadata migrating and implantation of any records management policies already being followed within the agency.

Once these policies and procedures have been implemented, starting your document imaging project will be much easier to undertake. It is important you talk with your IT and/or data processing team to utilize the proper metadata architecture for migration of the documents. Decide what type of open source file formats will be best for the document imaging. The most common and easily migrated formats currently include TIFF, PDF/A, JPEG/2000 and PNG. Are these images being scanned and maintained in a database for 3-5 years before being disposed? Are they going to be required for a longer retention period? Are they being scanned and then microfilmed? The answers to these questions will help you choose the proper format for your images.

Once a format is chosen, it is necessary to decide a proper resolution for your scanning. The Library of Congress <https://memory.loc.gov/ammem/about/techln.html> and National Archives and Records Administration <https://www.archives.gov/preservation/technical/guidelines.html> have technical guidelines which outline appropriate resolutions for different records.

After scanning is complete, it is important to go back and do a quality control review of the images especially if scanning and subsequently destroying any paper documents. It is recommended to do a 100% quality control check to ensure that all documents were scanned and are in the correct order. Once a quality control check is performed, document the image processing in a log. If multiple individuals are doing scans and quality control checks on scanned images, this allows for proper management of processes to cut down on duplicate work and track errors.

Evaluate how to index these documents for accessibility. If the agency is using a complex software system, such as OnBase or CourtView, is it easier to index by case numbers, dates, or last name? This also can be done with less complex indexing systems using Microsoft Access. Scanning the documents is important, but if the image is not accessible, time and effort will be wasted.

Once all of these steps are complete, the next step is to implement how to recover these images if the system goes down or there is an unintentional loss of data. It is important to include this on a disaster prevention and recovery plan. How will the images be backed up and how often? Having a plan with Data Processing or your IT department will allow the agency to regain any lost data. This is especially important if these documents are the official "record copy" version. Developing these relationships with your Data Processing or IT department or third-party vendor should also help with later migrations of the metadata. There also needs to be a plan for how to migrate your data from older technology to newer technology without damaging the authenticity and reliability of the documents.

## **Micrographics**

The use of microfilm is still relevant today as part of a comprehensive and cost effective records management system. Microfilming involves the process of recording images on photographic film. Microfilm is still cost effective when used for records that are historical, permanent, or have enduring value.

Microfilm is the preferred substitute for original paper documents for long-term temporary and permanent records. Micrographics can be a component of a complete document management system for official records and the preservation and maintenance of original documents. Film must meet all criteria to be considered an official record that could withstand any legal challenges. The filmed record should include a Certificate of Authenticity.

## Objectives of a Micrographics System

- **Space Savings** – Document storage space is reduced significantly with the use of microfilm.
- **File Integrity** – Microfilmed documents are arranged in a sequenced order, thus minimizing the chance of misfiling and loss of individual documents. Film is permanent and eye-readable. Once a record is committed to film, it cannot be altered or tampered with.
- **Security** – If original copies of records are lost, stolen, or destroyed, duplicates can be made from the original master film.
- **Longevity** – Records retained on 16mm, 35mm, or 105mm negative non-perforated silver-gelatin on a polyester base, as documented in ANSI IT9.1 allows for a life expectancy of as much as 500 years.

## Disposal of Paper Copies

The images are scanned. A proper quality control of the scanned images has been done and everything is now indexed. What do you do with the paper copies? That is up to the department and the Records Commission. An agency's Records Retention Schedule (RC-2) determines what can be done with paper versions of records after a scanning project. If a department would like to dispose of non-archival/non-permanent paper records after imaging, an RC-2 must specify that the department can "scan and dispose" or "destroy the paper copy after imaged and/or microfilmed." This depends on the needs of the department. An RC-3 might still need to specify the type of media being retained if necessary. More information regarding Records Retention Schedules and Certificates of Disposal (RC-3) and proper disposal techniques can be found in Section VII, Records Retention.

## Disposal of Imaged Scans

Imaged records are no different than paper records when it comes to disposal. Once this retention period has passed, then the images can be disposed. The RC-2 will also determine whether a signed RC-3 is required before proper disposal. It is good practice to document the destruction of public records, but the means is up to the discretion of the local records commission. More information regarding Records Retention Schedules and Certificates of Disposal (RC-3) and proper disposal techniques can be found in Section VII.

## Section IX: Electronic Records

As governments work to become more efficient with their resources, records creation, storage, and access are becoming increasingly digital. Electronic records can help improve relations with constituents since they provide easy access to the information they need. The authenticity and reliability of an electronic record must be maintained for the duration of the retention period though, which introduces new complications to records management. Many systems are available for the management of electronic records and in-house solutions can be developed as well. Email was the first great challenge for keepers of electronic public records and social media is quickly becoming a major hurdle as well. The management of electronic public records is an ever-changing and expanding topic.

### Authenticity and Reliability

There are two aspects of a record that need special attention if the record is electronic. These concepts are important to understand with traditional paper records as well, but they pose different challenges for electronic records. Authenticity is defined as “the quality of being genuine, not a counterfeit, and free from tampering, and is typically inferred from internal and external evidence, including its physical characteristics, structure, content, and context<sup>26</sup>.” Reliability is defined as “the quality of being dependable and worthy of trust” and “the quality of being consistent and undeviating<sup>27</sup>.” These definitions can be dry. Essentially if a record is what it claims to be it is reliable and if a record is still what it claims to be it is authentic.

This is especially important with electronic records because their non-physicality allows them to be more easily tampered with or altered, whether intentionally or not, and the passage of time increases their risk of losing information. They can become non-authentic and non-reliable without those changes being obvious. Think of how noticeable it is when someone crosses information off a paper record but imagine how much more difficult it is to track when and where changes are made in an electronic document as well as who made those changes. Special controls need to be put in place to ensure the authenticity and reliability of electronic records.

There are five general areas of concern for authentic and reliable electronic records: system documentation, record metadata, security measures, audit trails, and disaster recovery plans. System documentation should include planning, development, specifications, implementation, modification, and maintenance of system components and applications. Record metadata should include standardized structured format and controlled vocabulary which allow for the precise description of record content, location, and value. Security measures should include the protection of documents, files, systems, or areas from unauthorized access and/or damage or loss from fire, water, theft, mutilation, or unauthorized alteration or destruction. Audit trails should include who has accessed a computer system and what operations they performed during a given period of time. Disaster recovery plans are intended to prevent or minimize damage to records from an unexpected occurrence that may inflict widespread destruction and distress. More information about creating and maintaining authentic and reliable electronic records can be found in “Electronic Records Management Guidelines” and in the “Ohio Trustworthy Information Systems (TIS) Handbook” both published by the Ohio Electronic Records Committee (OERC), discussed below.

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<sup>26</sup> Pearce-Moses, 41.

<sup>27</sup> Pearce-Moses, 340.

## Electronic Document Management Systems

An electronic document management system (EDMS) is a “software application that uses automated techniques to ensure that information stored in digital formats is properly distributed, used, stored, retrieved, protected, and preserved according to established policies and procedures<sup>28</sup>.” One overarching piece of software can be purchased to handle all aspects of document management or several different pieces of software can be used in combination. The State Archives-LGRP cannot recommend a particular vendor or piece of software.

When procuring an EDMS make sure that the contract with the vendor is well thought out. Since the information managed will, for the most part, constitute public records make sure that the contract allows the government agency to retain “ownership” of the records as well as the ability to retrieve records from the system. For additional information on standards regarding electronic records systems see DoD 5015.2-STD. It is the standard issued by the Department of Defense and has been endorsed by the National Archives and Records Administration for use by federal agencies.<sup>29</sup>

## Filing Conventions

Paper files are generally stored in a central location and the filing conventions are intuitive. Electronic records/files are usually named independently and maintained locally. Consider how the files on your work computer are named: are there dates in all titles, are there spaces in some and not others, do you use descriptive titles, etc. Think about how difficult it would be to locate a specific file stored on someone else’s computer. A shared drive or network may improve access to digital records. Also an agency wide filing plan can help eliminate searching and retrieval problems by using standard naming and filing conventions. It is important to consider these nine aspects<sup>30</sup>:

- Create unique file names.
- File names should be simple and easy to understand.
- Use only alpha-numeric characters. Avoid using special characters.
- Use underscores and dashes to represent spaces.
- Use leading zeroes with the numbers 0-9 to facilitate proper sorting and file management.
- Dates should follow the ISO 8601 standard of YYYY\_MM\_DD or YYYYMMDD. Variations include YYYY, YYYY-MM, and YYYY-YYYY. This maintains chronological order. Dates of creation can make following retention schedules easier.
- Keep the file name as short as possible and always include the three character file extension preceded with a period.
- Include the version number by using “v” or “V” and the version number at the end of the file name. Avoid using the word version or draft at the beginning of the file name for access purposes.
- Put the information or elements used to create the file name in the most logical order based on retrieval methods.

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<sup>28</sup> Pearce-Moses, 140.

<sup>29</sup> DoD 5015.2-STD and the National Archives endorsement can be accessed at <https://www.archives.gov/records-mgmt/initiatives/dod-standard-5015-2.html>.

<sup>30</sup> Minnesota Historical Society, *Electronic Records Management Guidelines*, March 2012, Version 5. Available online at <http://www.mnhs.org/preserve/records/electronicrecords/erfnaming.html>

As you develop your policy, you will also need to address the following<sup>31</sup>:

- *Persistence over time*: File names should outlast the records creator who originally named the file. With good stakeholder and staff input, and training, you should be able to develop file names that make sense to staff members in years to come when the file creators are no longer available.
- *Access and ease of use*: The policy should be simple and straightforward. A simple policy will help staff members logically and easily name records and help ensure that records are accessible. A simple policy will be more consistently used, resulting in records that are consistently named, and thus easier to organize and access.
- *Ease of administration*: The policy should work with your computer infrastructure so that you can monitor policy compliance, manage records and records series, gather metadata, and perform other administrative tasks easily and in compliance with all legal requirements. For example, if all the records in a specific records series are easily identifiable by file name, they will be easier to gather and manage.
- *Scalability*: Consider how scalable your file naming policy needs to be. For example, if you want to include the project number don't limit your project numbers to two digits, or you can only have ninety-nine projects.
- *Determine what metadata to collect*: You will need to decide what metadata to collect and include in file names. This will help ensure the long-term usefulness of your records and help you to meet legal requirements for accessibility (for public records) and accountability, as well as protect non-public records.
- *Universal retrieval*: Ensure that the staff and the public (as appropriate) can access your files. Standard file names allow users to find records efficiently.
- *Determine the official copy*: Determine which file is the "official" copy, which is especially important when many drafts or email messages are involved.
- *Determine file naming boundaries*: Pay close attention to the freedom you give staff members (and third-party vendors) in naming files. Provide guidelines and training on file naming. You will not be able to manage every electronic record's file name, so you will need to rely on staff members and vendors to name files in compliance with your policy. By providing guidelines and training you can maximize policy compliance in a way that meets your operational and legal requirements.
- *Relationship to and connection with paper records*: Determine how the names of your electronic records relate to the names of paper files you have stored. Electronic records may be a part of records series that include paper records so the file naming policy for electronic records should fit logically with your paper records naming.

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<sup>31</sup> Minnesota Historical Society, *Electronic Records Management Guidelines*, March 2012, Version 5. Available online at <http://www.mnhs.org/preserve/records/electronicrecords/erfnaming.html>

## Email

Email has become ubiquitous. It makes up a huge bulk of the records that must be managed according to the Public Records Law. Due to the format of email and seemingly never-ending storage ability, the management of email records has been largely neglected by many government agencies. This is an unfortunate consequence of the ease of electronic communication and storage.

The biggest obstacle to overcome when dealing with email is to realize that “email” is not a records series. Email is a delivery method/format. Currently the State Archives-LGRP recommends that email should not be scheduled as a record series on an RC-2. This recommendation could change though, so it is advisable to discuss the implications of scheduling email as a record series with appropriate legal counsel. The content of each email should determine which record series it belongs to and, thus, its appropriate retention period. Many emails will belong to correspondence records series, but some may belong to budget working papers, contracts, etc. If an agency feels uncomfortable not mentioning email anywhere on the RC-2, the State Archives-LGRP has devised this footnote/disclaimer:

Email is a *format* on which records are sent, received and/or drafted using electronic mailing systems. Email is NOT a record series. Instead, each *individual* email should be evaluated according to its content and retained in accordance with the record series adopted within this schedule that the content most closely fits. *(Email should be retained electronically rather than on paper as conversion to paper may cause loss of electronically attached metadata that is important to the authenticity of the record.)*

If emails have not been managed in the past, the first step is to address any backlog. Agencies should determine where emails have been stored in the past. Many agencies may have unmanaged emails on different servers or on various storage media offline (e.g. flash drives, CDs, etc.). The possible risks in not retroactively managing emails should be determined by legal counsel. One way to handle this backlog is to dispose based on a survey of email content. Identify the longest retention period for the types of records series found and dispose of these unmanaged emails when that retention period has passed. As always, document all decisions and discuss them with legal counsel.

As new email messages arrive an agency should make sure that a storage medium is selected. The State Archives-LGRP suggests managing emails electronically. This preserves metadata associated with the email. A uniform filing plan should be developed as well. Identify non-record email messages and delete them once they are no longer necessary. Record email messages should be identified per 1 Ohio Rev. Code § 149.011.

Depending on your local email management system next steps may vary. Some agencies will have automated filing, storage, and disposition programs in place by purchasing an email management system from a third-party vendor while some agencies may need to manually file and manage email messages. The State Archives-LGRP cannot give vendor recommendations. If manual management is necessary, consider creating new folders outside the email program for each year. Folders organized by year make yearly disposal based on retention schedules more efficient. Naming folders after records series titles will also help in this process. Delete email messages when they reach the end of their retention period. Include any email strategies in an email management policy. Document email message disposals the same way other public records disposals are documented (e.g. RC-3 forms, Excel spreadsheets, etc.).

## Social Media

Social media “refers to the various activities integrating web technology, social interaction, and user-generated content<sup>32</sup>.” Social media is more than just Facebook and Twitter; it includes blogs, wikis, social networks, photo libraries, virtual worlds, location-based services, and video sharing sites. More and more communication is done via social media platforms. Governments are harnessing the power of direct contact with constituents and others as well as internal interaction by using a variety of social media platforms in order to effectively communicate and share information. Often, the use of social media has begun without considering the implications associated with the Public Records Law.

Remembering that 1 Ohio Rev. Code § 149.011 dictates what is and is not a public record in the State of Ohio, one can qualify some content found on social media as a public record. Since everyone may not be familiar with the Public Records Law it is judicious to include a disclosure statement indicating that all communications via social media may be monitored and can be requested (e.g. “representatives of [insert local government agency] communicate via this social media platform, consequently any communication, whether by government employee or member of the general public, may be subject to Ohio’s Public Records Law”)<sup>33</sup>. That content also needs to be managed as a public record. Unfortunately, the management of this content can be extra difficult because it is controlled by a third-party (e.g. Facebook, Twitter, Flickr, Pinterest, Google+, etc.). These organizations are not required to store and make data accessible indefinitely. Governments are required to ensure accessibility for the duration of a records series retention period though and that realization needs to be addressed in any social media engagement plan.

Methods to capture social media records include<sup>34</sup>:

- Using web crawling or other software to create local versions of sites;
- Using web capture tools to capture social media;
- Using platform specific application programming interfaces (APIs) to pull content;
- Using RSS Feeds, aggregators, or manual methods to capture content; and
- Using tools built into some social media platforms to export content.

The Ohio Electronic Records Committee (OERC), discussed below, has created resources to help local governments develop social media engagement plans that take into account the Public Records Law.

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<sup>32</sup> National Archives and Records Administration, *Bulletin 2014-02, Guidance on Managing Social Media* (October 2013). Available online at <http://www.archives.gov/records-mgmt/bulletins/2014/2014-02.html>

<sup>33</sup> North Carolina Department of Cultural Resources, *Best Practices for Local Government Social Media Usage in North Carolina* (2010). Available online at [http://www.ncdcr.gov/Portals/26/PDF/guidelines/bestpractices\\_socialmedia\\_local.pdf](http://www.ncdcr.gov/Portals/26/PDF/guidelines/bestpractices_socialmedia_local.pdf)

<sup>34</sup> National Archives and Records Administration, *Bulletin 2014-02, Guidance on Managing Social Media* (October 2013). Available online at <http://www.archives.gov/records-mgmt/bulletins/2014/2014-02.html>

## Websites

Websites created by local government agencies need to be managed according to the Public Records Law. Like email and social media, the entire website is not considered a records series. A website is a means of publishing information, some of which *may* constitute a public record. How can a local government deal with website content? According to the National Archives and Records Administration (NARA) there are three types of web-based content that need to be addressed: web content records, web management and operations records that provide context, and web management and operations records that provide structure.

Web content records include:<sup>35</sup>

- The content pages that compose the site, inclusive of the HTML markup
- Records generated when a user interacts with a site
- Lists of the URLs referenced by the site's hyperlinks if the agency chooses to document its site this way,

Web management and operations records that provide context to the site include:

- Web site design records
- Web policies and procedures (e.g. how records are selected for the site and when and how they may be removed)
- Records documenting the use of copyrighted material on a site
- Records relating to the software applications used to operate the site
- User access and when pages are placed on the site, updated, and/or removed

Web management and operations records that provide structure related to the site include:

- Site maps that show the directory structure into which content pages are organized
- Software configuration files used to operate the site and establish its look and feel, including server environment configuration specifications.

After considering all the types of web-based content that need to be addressed, the local government agency should determine if any of these are the official record copy or if the official record copy resides elsewhere (e.g. on a server, as a hardcopy, etc.). Versions of documents/information/records that exist on a website that have official record copies residing elsewhere can be treated as copies. New records series should be developed for documents/information/records that only exist in a web-based format. The retention periods for those new records series should be based on the content of the record and not the media type.

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<sup>35</sup> National Archives and Records Administration, *Guidance on Scheduling Web Records* (January 2005) Available online at <http://www.archives.gov/records-mgmt/policy/managing-web-records-scheduling.html>

## Cloud Computing

Cloud computing is defined as “a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g. networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction<sup>36</sup>.” In its simplest form cloud computing is about sharing resources. Examples of cloud computing platforms include web-based email providers like Gmail and Hotmail, social media applications like Facebook and Twitter, and hosting services like Google Drive and Flickr. It is likely that local governments may be using cloud services without realizing it. Like issues associated with social media use, one of the main concerns with cloud computing and public records is that the information is not controlled by the government after it enters the cloud. Care should be taken when negotiating any service-level agreements with cloud providers to ensure that the ability to access, retrieve, remove, and delete public records remains with the local government. Contracts should specify that the information belongs to the local government in perpetuity. Service level agreements must fulfill all legal and operational responsibilities of the local government.

There are several questions archivists/records managers should consider before engaging in cloud computing:<sup>37</sup>

- *Scope*: What information will be stored, processed, and accessed through the cloud?
- *Retention*: What procedure does the vendor use to destroy all copies of a record once the retention period has been met?
- *Preservation*: Is there a means to check the integrity of multiple copies stored on/off the cloud?
- *Location*: Data is often stored in multiple geographic locations. Does the information have any jurisdictional boundaries that need to be addressed? Does a geographical limit (e.g. the continental USA, in Ohio, etc.) need to be set with the vendor?
- *Legal/Policy Compliance*: Does the service/vendor comply with applicable laws, regulations, and policies?
- *E-discovery*: Are there methods in place for complying with e-discovery and other litigation requests?
- *Interoperability*: Is the format of the information accessible if it needs to be exported? Consider an exit strategy before using a cloud computing vendor.
- *Security*: Are the security measures offered by the vendor equal to those provided by traditional IT? Are they better? Do the security measures offered by the vendor comply with local security policies?
- *Community Cloud*: Are there consortium-type cloud computing services for agencies with similar policies and legal, security, and privacy requirements available?
- *Audits*: Is the vendor audited annually? Is that audit report made available? Does the vendor comply with current auditing practices in Ohio?

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<sup>36</sup>National Institute of Standards and Technology, *NIST Special Publication 800-145: The NIST Definition of Cloud Computing* (September 2011). Available online at <http://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-145.pdf>.

<sup>37</sup> Kentucky Division of Libraries and Archives, *Cloud Computing: Implications and Guidelines for Record Management in Kentucky State Government* (2012). Available online at <http://kdla.ky.gov/records/Documents/Cloud%20Computing%20Guidelines%20Version%201.pdf>

## Litigation Holds and E-Discovery

More and more records managers, and other associated professionals, are responsible for cooperating with litigation holds and e-discovery processes. E-discovery is defined as “the process that compels a party in a lawsuit to disclose evidence and information relevant to the case<sup>38</sup>.” The information system and the records created by it must be made available for pretrial discovery in order to facilitate effective cross examination<sup>39</sup>. Legal consultation is necessary for dealing with litigation hold and e-discovery requests.

Remember that even records that have met their approved retention periods cannot be disposed of during a litigation hold or e-discovery process. It is prudent to have a system in place for enacting a halt on all records disposals when faced with a litigation hold or e-discovery request. This is especially important with electronic records because their disposal can be done quietly without notice unlike the process of physically shredding paper documents.

## Proper Electronic Records Disposition and Sanitation

Oftentimes the disposition of electronic records does not necessarily require the total destruction of the media. This allows agencies to reuse resources after they have been “cleaned” of records that have met their retention periods. Sometimes the complete destruction of the media may be necessary. It is important to remember that just because content has been deleted it doesn’t mean that it’s completely gone from the storage device. There are four basic types of electronic records disposition:

- Destruction includes shredding, pulverizing, and incineration. This method is used when the storage device itself is no longer needed.
- Purging may be done through degaussing or secure erase. Degaussing is the process of decreasing or eliminating a remnant magnetic field. It is more effective with tape devices and hard drives rather than DVDs or CDs.
- Clearing is usually accomplished by overwriting existing data.
- Disposal is the discarding of storage device without sanitizing it properly. This should only be done for non-confidential information as it can lead to privacy and security breaches.<sup>40</sup>

Agencies should consider how many records are being disposed, cost, environmental consequences, legal and compliance standards, internal policies, level of confidentiality of records, etc. when deciding which disposition method is the most appropriate. A certificate of disposal that verifies that overwriting, purging, destruction, etc. has taken place is a best practice that should be adopted.

For additional information on sanitation consult the National Institute of Standards and Technology's Computer Security Resource Center's special publication *Guidelines for Media Sanitization*, Special Publication 800-88 Revision 1.<sup>41</sup>

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<sup>38</sup> Pearce-Moses, p.122.

<sup>39</sup> North Carolina Department of Cultural Resources. *Guidelines for Managing Trustworthy Digital Public Records* (2013). Available online at [http://www.ncdcr.gov/Portals/26/PDF/guidelines/guidelines\\_for\\_digital\\_public\\_records.pdf](http://www.ncdcr.gov/Portals/26/PDF/guidelines/guidelines_for_digital_public_records.pdf)

<sup>40</sup>Iron Mountain. *Disposition of Digital and Electronic Records: What You Need to Know*. Available online at <http://www.ironmountain.com/Knowledge-Center/Reference-Library/View-by-Document-Type/General-Articles/D/Disposition-of-Digital-and-Electronic-Records-What-You-Need-to-Know.aspx#>

<sup>41</sup> National Institute of Standards and Technology, *Guidelines for Media Sanitization* (2014). Available online at <http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-88r1.pdf>.

## Ohio Electronic Records Committee (OERC)

The Ohio Electronic Records Committee (OERC) is a statewide entity formed in 1998 that “identifies best practices and develops resources concerning the creation, maintenance, long-term preservation, and access to the electronic records of Ohio’s public entities. The Committee advocates for implementation of, and educates its constituencies regarding, these best practices.”<sup>42</sup> The OERC’s members come from academic libraries, historical societies, state/local government agencies, and universities in order to provide various points of view.

Guidelines created by the OERC are available for use on their website ([www.ohioerc.org](http://www.ohioerc.org)) and can help local governments organize their own electronic records in ways that are in keeping with the Public Records Law. There are guidelines for databases as public records, digital document imaging, electronic records management, hybrid microfilm, managing email, managing web content, Ohio Trustworthy Information Systems (TIS), and social media, for example. The State Archives-LGRP suggests that they are used in conjunction with expertise from your own IT department. Please contact the State Archives-LGRP with any questions about the guidelines found on the OERC website.

## Summary

Electronic records, their storage systems, and their capabilities are changing at a rapid pace. Concrete standards and rulebooks are hard to create and follow at this increasingly fast speed making public records that exist electronically difficult to deal with for long-term preservation. The guidelines that are available should be considered when developing a plan to handle electronic records of all forms and all retention periods (e.g. social media, websites, email messages, PDFs, etc.). Constituents request, and expect, information to be stored and delivered via electronic means. Blindly using and providing electronic records is not a viable long-term plan though. Care should be taken to ensure that electronic records use is effective, that constituents are well-served, and that the Public Records Law is being followed.

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<sup>42</sup> Ohio Electronic Records Committee, *About OhioERC*. Available online at [http://ohioerc.org/?page\\_id=330](http://ohioerc.org/?page_id=330)

## Appendix A: Record Series Inventory Form

Records Series Inventory Form				
Department/Agency:				
Records Series Name:				
Records Series Description:				
Media Type	Inclusive Dates	Location	Volume	
<i>Paper</i>				<p>Are these records on a retention schedule? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, what is the schedule number and date the schedule was passed by the local records commission?</p> <p>If no, are the records still being created? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Arrangement:</p> <p><input type="checkbox"/> Alphabetical <input type="checkbox"/> Case Number <input type="checkbox"/> Numerical</p> <p><input type="checkbox"/> Alpha-numerical <input type="checkbox"/> Geographical <input type="checkbox"/> Subject</p> <p><input type="checkbox"/> Other:</p> <p>Comments:</p>
<i>Electronic</i>				
<i>Microfilm/fiche</i>				
<i>Other</i>				<p>Reviewer Name:</p> <p>Title:</p> <p>Date:</p>

## Appendix B: Record Series Analysis Form

Records Series Analysis Form	
Department/Agency:	Division:
Record Series Name:	
<b>Administrative Value</b> How often are records retrieved for use? _____ What actions/events result in the record being no longer used regularly? Does your office hold the official copy of the record? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, who has the official copy? _____	<b>Vital Records</b> Are records needed to resume operations in the event of a disaster? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what information in the record is used? _____
<b>Fiscal Value</b> Who audits these records? <input type="checkbox"/> Internal <input type="checkbox"/> State/Federal Government <input type="checkbox"/> Accreditation <input type="checkbox"/> These records are not audited Agency _____ How often do audits occur? _____ Are records used for any other fiscal purposes? _____	<b>Recommended Retention (choose only those that apply)</b> Time: _____ <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Permanent Action/Event: <input type="checkbox"/> Provided Audit <input type="checkbox"/> Until No Longer of Administrative Value <input type="checkbox"/> Other: _____
<b>Legal Value</b> Do statutes exist which specify how long the records should be retained? <input type="checkbox"/> Ohio Revised Code: Section _____ <input type="checkbox"/> Code of Federal Regulations _____ <input type="checkbox"/> Ordinance: Section _____ <input type="checkbox"/> Other: _____ Are the records exempt or require redaction(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what? _____	<b>Analysis Conducted by:</b> _____ <b>Date:</b> _____ <b>Title:</b> _____ <b>Contact Information:</b> _____
<b>Historical Value</b> Is information present in the record that could be beneficial to a future researcher or document fundamental government decisions? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what? _____	<b>Reviewer Section</b> <b>Final Retention Period:</b> _____ <b>Comments:</b> _____ <b>Reviewer Name:</b> _____ <b>Date:</b> _____ <b>Title:</b> _____