

Records Management Basics for State of Indiana Employees

Presented by the Indiana Archives and Records Administration (IARA)

Introduction

As Indiana government employees, we create, receive, and work with public records every day. We're responsible for their protection and preservation, for following state and federal laws that control:

1. **Access** to the information in the records.
2. **How long** that information must be **retained**.

What Is A Public Record?

Public: related to a government agency.

Record: information that documents the activities of that agency.

So a public record, as the term is used in Indiana state government, is any

- document
- map/art/image
- sound/Video
- electronic data
- other material

that is

- created
- filed
- received

as part of performing state government business, in any form, including but not limited to:

- paper
- film
- magnetic recording
- optical disc (CD/DVD)
- other electronic storage.

Media and Formats

These are all public records:

- a filled-out form
- a blueprint
- a stack of Polaroid photos
- a reel of film
- a cassette tape
- two floppy disks
- a pile of CDs
- the e-mails in your work inbox.

The laws that govern access and length of retention are based on the

- TYPE of information (i.e Fiscal? Personnel? Agency Policy? Educational? Medical?)

NOT the

- media (physical container, i.e. paper/microfilm/CD) or
- format (how the information is arranged, i.e program or file type) .

It's important to note, though, that the laws about how long we have to keep records don't just require the information to *exist* for that time period.

We also have to be able to READ the records and provide copies to those citizens who are allowed to have them.

Paper and microfilm records will remain legible as long as we make sure they aren't physically damaged.

For electronic and audiovisual records, state agencies must make sure that either

- the media will last that long and the format is universal enough that it will still be readable no matter how far technology may advance

OR

- the information is periodically transferred to fresh media, and converted to each new program, language, or system adopted.

Who Is Allowed To Access Public Records?

Public **record** and public **access** are two different concepts.

- All government records are **public records**, because they were created with public funds.
- **Public access** is about the right of citizens and the public to know the information created and collected by their government – and the need to balance that with other people's rights to privacy, intellectual property, and public safety.

Public Access Laws

Indiana's Access to Public Records (IC 5-14-3) and Open Door (IC 5-14-1.5) laws exist to make sure that records created while serving citizens are, as much as possible, available to those citizens

BUT:

some public records have limited access (they may be partially or fully confidential),

because they contain:

- the personal or medical information of other citizens
- business information classified as a trade secret
- legal information that falls under attorney/client privilege
- other information declared classified by law, usually for safety reasons.

It is **illegal** for a state employee to knowingly disclose confidential information to an unauthorized person.

The Office of the Public Access Counselor exists to help both Indiana government employees AND Indiana citizens determine which records are confidential, and who is authorized to access them.

Complete contact information, as well as a handbook on Indiana's Public Access Laws and how they affect us as state employees, can be found on the Public Access Counselor's website: www.IN.gov/pac.

How Long Must We Keep Our Records?

Different record types must be retained by state agencies for varying time periods, depending on the state and federal laws that affect that area of government or type of information.

A **Records Retention Schedule** will tell you those legal retention requirements. It contains a list of **Record Series**, which describe each type of record that you work with, including its retention requirements.

- Each Record Series is one type or category of records, which all have the same topic and retention requirements.
- Each Records Retention Schedule is made up of one or more Record Series that apply to a specific agency or division, or to a broad group of similar agencies.

The Archives and Records Administration works with each agency to review their records and create **Agency-Specific** retention schedules.

If you can't identify a record using your Agency-Specific schedule, you should also check the **General Retention Schedule**, which covers broad record types that are produced by all state agencies.

You can find all of these retention schedules online at IARA.in.gov, under Services for Government/State Retention Schedules.

A Retention Schedule Will Tell You

1. All of the different Record Series your agency creates or receives, and which records fall into which Series. Every Record Series has:
 - a. a unique **Record Series Number**
 - b. a formal **Record Series Title**
 - c. a brief **Description** of the type of information covered by the Record Series, including:
 - i. State or Federal forms and other common file contents
 - ii. if relevant, the format/media in which the records are usually found
 - iii. any State or Federal legal citations that affect public access or retention period.
2. What your agency staff should DO with the records described in each series. Every Record Series has instructions for:
 - a. whether and when to **transfer** records to IARA's Records Center for temporary storage, or the Imaging and Microfilm Lab for filming or scanning
 - b. **retention period**: how long the information must legally be owned by the agency
 - c. **disposition**: what happens at the end of that time period:
 - i. destruction (by the agency or by the Records Center)
 - ii. transfer of records and ownership to the Indiana Archives (records with permanent historical value)

Why Is It Important To Follow Your Agency Retention Schedule?

Destroying records too early or not transferring scheduled records to the Indiana Archives can harm

- Indiana's citizens
- your agency
- State and Federal government
- the judicial and criminal justice system
- Indiana's history.

It's also against the law:

"A public official may not mutilate, destroy, sell, loan, or otherwise dispose of any government record, except under a retention schedule or with the written consent of the [Archives and Records] Administration."

~ Indiana Code 5-15-5.1-1-14

Keeping records for too *long* isn't illegal, but it can waste both money and agency work-space. Holding on to records beyond legal and program requirements just makes your job harder, and your office less efficient.

Is There Anything That's Not A Public Record?

Sometimes it can seem like every piece of information around us falls under records retention requirements. However, there *are* a few items in our offices which don't count as public records, and may be destroyed as soon as they're no longer useful to us.

Those fall into 3 categories:

1. **Personal Records:** An employee's documents that are stored at work, but not created or used for work. Examples:
 - a. your own copy of your performance appraisal
 - b. an e-mail from your spouseThese should be stored separately from government records whenever possible.
2. **Non-Records:** Information that you may *use* for work, but it wasn't created by your agency or received as part of its government function. Examples:
 - a. books
 - b. magazines
 - c. published laws
 - d. other reference materials
 - e. unsolicited advertisements
 - f. mass e-mails from professional mailing lists
 - g. blank forms
3. **Duplicates:** Information that *would* be a public record if it were the only copy, but it isn't – the official version is being retained by your agency under the appropriate records retention schedule. Examples:
 - a. photocopies
 - b. stacks of agency publications
 - c. digitized images of existing paper documents

Be aware that while these are not considered to be public records for the purposes of retention requirements, **confidentiality laws still apply.**

What about E-Mail?

The most important thing we can tell you about e-mail is that it is NOT a record type.

E-mail is simply an electronic FORMAT in which information is sent, received, and stored – just like you might send, receive, or store all different kinds of information in ink, on paper.

There will never be a single Record Series or policy that tells you how long to retain all electronic mail, because just like every other record, it's the information CONTAINED in each e-mail that determines

- where you should file it.
- whether it's confidential.
- how long you have to keep it.

This means that you must consider and file the e-mails in your Inbox and Sent Messages just as you would a stack of paper letters on your desk:

1) Is it a Public Record?

- a) No: it's personal e-mail, reference or advertising material, or a copy; I was one of many recipients.
- Delete your copy when no longer useful.

b) Yes: it's a Public Record.

- i) Were you the sender?

(1) No, I wasn't the sender.

(a) Did you forward it to someone else because it was about their job duties, not yours?

(i) Yes, I forwarded it because it wasn't about my job duties.

- Delete your copy when no longer useful.

(ii) No, it was about my job duties.

- Then **you** are responsible for retaining the e-mail.
- File it in a folder that identifies its subject and Record Series.
- Follow the retention instructions for that Record Series.

(2) Yes, I was the sender.

- Then **you** are responsible for retaining the e-mail.
- File it in a folder that identifies its subject and Record Series.
- Follow the retention instructions for that Record Series.

Who Can Help Us Manage All This?

Your Agency Records Coordinator is the first person to go to with your records retention questions: an employee of your own agency, designated by your director to be your local expert on agency records!

- They can help you read and understand your retention schedules, and when those schedules need updating, they team up with IARA to make that happen.
- Records Coordinators also work with IARA to approve records transfer, storage, archiving and destruction procedures, and are authorized to sign your records transfer and destruction forms.
- You can locate your Records Coordinator's contact information from the navigation bar on any page of IARA's website, under Services for Government/Agency records & Forms Coordinators.

The Indiana Archives and Records Administration (IARA) and its divisions are also here to help:

- **The Indiana Archives:** makes records deemed historically valuable on your retention schedule a part of their permanent collection, so they're available within the archives for current and future researchers (within legal confidentiality requirements).
- **Records Management:** works with your agency to create and update the Records Retention Schedules that describe what to do with each type of record, and answers questions about how to apply those schedules.
- **Electronic Records Program:** helps agencies develop strategies to preserve electronic records for the required length of time, and determine the best formats and transfer methods for getting historically valuable electronic records to the Indiana Archives.
- **Forms Management:** reviews and designs state agency forms, helping to standardize the type of information that will be collected. A blank form is *not* a record – and thus not subject to confidentiality or retention laws - but will *become* one as soon as someone fills it out!

The Forms Management division also manages Forms.IN.gov, the State Forms Online Catalog where all electronic state forms available to the public are hosted.

- **Imaging and Microfilm Lab:** provides cost-effective filming and imaging services, helping to preserve delicate paper documents for the Indiana Archives and vastly reducing the amount of storage space required for state agency records.

The Microfilm Laboratory can also create Computer Output Microfilm (COM), a long-term solution for the preservation of electronic records with permanent historical value.

- **State Records Center:** stores paper records off-site (if approved on the records retention schedule) for agencies who lack the space to keep them in the office, and returns requested documents to the agency as needed. Destroys records that have reached their required date of disposition, or transfers them to the Indiana Archives, as instructed on the retention schedule.

The Records Center also offers courtesy destruction and low-cost confidential shredding of eligible records that are *not* already stored at the facility, as long as the agency's offices are within the Indianapolis/Marion County area.

Handbooks and Publications

In addition to the retention schedules themselves, the IARA website offers a number of reference publications, including the two major handbooks that cover almost every records-related process a state employee might encounter:

- **The Records Coordinator Handbook** is our records policy/procedure manual for all employees - not just Records Coordinators. It explains which responsibilities you can handle alone, which ones you'll need IARA's help with, and how to request that help – including illustrations and instructions for the various forms required. It also contains a copy of the current General Retention Schedule.
- **The Records Center Handbook** provides in-depth coverage of their records storage, retrieval, and destruction services, also including examples of the required forms and instructions for how to complete them.

You'll find the IARA Publications page and many more resources at iara.IN.gov under Services For Government.

Quiz

Let's finish up with a few questions to make sure we're all on the same page.

This quiz won't be graded; it's just for your own knowledge, to find out how much about Records Management you've picked up from the previous information!

There are 7 multiple-choice questions, each with 4 or 5 possible answers.

Quiz Question 1:

The officially-approved list of record types that your agency may create or receive, with instructions on how long you must keep each type, is called a...

- a. Record Series
- b. Agency Records Policy
- c. File Plan
- d. Records Retention Schedule

Once you've picked an answer, scroll down to learn whether you were correct, and why!

Answers:

The correct answer is D: Records Retention Schedule. An approved Records Retention Schedule is your official source for information on what you may, may not, and *must* do to legally preserve the the public records in your care.

The incorrect answers are:

- a. Record Series: These are the various record types *listed* in the Records Retention Schedule.
- b. Agency Records Policy: Your agency may also develop internal policies about records, but that's not the document that legally authorizes you to transfer or destroy agency records.
- c. File Plan: A File Plan is a specific kind of internal agency policy, on how to arrange records within the office and how to apply the instructions *found* in the Records Retention Schedule.

Quiz Question 2:

Which of these formats might contain Indiana government records?

- a. Microfilm
- b. Audio-cassette
- c. Paper form
- d. E-mail
- e. All of the above

Once you've picked an answer, scroll down to learn whether you were correct, and why!

Answers:

The best answer is E: All of the above. All of these media and formats (and many others) may contain public records. The same type of information might be stored in any one of these forms - and the retention, confidentiality, and public access laws which apply to that information will remain the same.

There is no *incorrect* answer; all of the listed possibilities are true.

Quiz Question 3:

Here's an example of a situation that could really happen:

- Tony receives a paper application for his agency's grant program.
- Steve, his co-worker, also receives an application that day, but his is submitted through the agency website.
- Natalie, their supervisor, prints out copies of both applications to use as examples while training a new employee that afternoon.

Whose documents may legally be destroyed first?

- a. Steve
- b. Tony
- c. Natalie
- d. We can't answer that question, because we haven't reviewed the records retention schedule for this particular type of information.

Once you've picked an answer, scroll down to learn whether you were correct, and why!

Answers:

The correct answer is C: Natalie. Natalie's documents would be eligible soonest, because they're not records at all.

We'd need to examine a retention schedule to know how long Tony and Steve need to keep their records (though we do know that it would be the same time period for both of them), but since Natalie's documents are exact duplicates, they're considered non-record materials. So Natalie may destroy her documents as soon as they're no longer useful to her.

The incorrect answers are:

- a. Steve: There's nothing special about an electronic application that would make it eligible for destruction sooner than a paper one received on the same day.
- b. Tony: There's also nothing special about a paper application that would make it eligible for destruction sooner than an electronic one received on the same day.
- d. We can't answer that question, because we haven't reviewed the records retention schedule for this particular type of information: This would be true if we needed to know exactly when *everyone's* documents are eligible for destruction, but in this case, we don't. We can figure out the *first* person as soon as we know that Natalie's records are duplicates.

Quiz Question 4:

Choose the best source of help for this situation: "I need to know how long to keep these files before I can destroy them."

- a. Indiana Archives
- b. Public Access Counselor
- c. Records Retention Schedule
- d. State Forms Management

Once you've picked an answer, scroll down to learn whether you were correct, and why!

Answers:

The correct answer is C: Records Retention Schedule. A Records Retention Schedule lists the types of records an agency creates or receives, and tells you how long you're required to keep them.

The incorrect answers are:

- a. Indiana Archives: The Indiana Archives preserves records scheduled to be kept *forever* for historical purposes.
- b. Public Access Counselor: The Public Access Counselor assists agencies and citizens in determining which records are confidential and which are open to the public.
- d. State Forms Management: The State Forms Management division designs and approves the design of blank forms for state agencies; a blank form is not a record until someone fills it out.

Quiz Question 5:

Choose the best source of help for this situation: "We need a box back from temporary storage."

- a. State Records Management Division
- b. Indiana Archives
- c. Imaging and Microfilm Lab
- d. State Records Center

Once you've picked an answer, scroll down to learn whether you were correct, and why!

Answers:

The correct answer is D: State Records Center. The State Records Center provides temporary storage for paper records, which can be returned to the agency at any time upon request.

The incorrect answers are:

- a. State Records Management Division: The State Records Management division writes agency retention schedules and advises state employees on how to understand those schedules.
- b. Indiana Archives: The Indiana Archives preserves records scheduled to be kept forever for historical purposes, which are not returnable to the original agency.
- c. Imaging and Microfilm Lab: The Imaging and Microfilm Lab creates digital or microfilm copies of agency records.

Quiz Question 6:

Choose the best source of help for this situation: "I need a signature on the notice giving us permission to destroy these records."

- a. Indiana Archives
- b. Public Access Counselor
- c. Agency Records Coordinator
- d. State Forms Management

Once you've picked an answer, scroll down to learn whether you were correct, and why!

Answers:

The correct answer is C: Agency Records Coordinator. Your Agency Records Coordinator is the person who'll need to sign your Records Destruction Notification before you can shred, throw away, recycle or delete any records.

The incorrect answers are:

- a. Indiana Archives: The Indiana Archives preserves records scheduled to be kept *forever* for historical purposes.
- b. Public Access Counselor: The Public Access Counselor assists agencies and citizens in determining which records are confidential and which are open to the public.
- d. State Forms Management: The State Forms Management division designs and approves the design of blank forms for state agencies; a blank form is not a record until someone fills it out.

Quiz Question 7:

Choose the best source of help for this situation: "I'm an agency records coordinator, and I need to make changes to our records retention schedule."

- a. Imaging and Microfilm Lab
- b. Indiana Archives
- c. Public Access Counselor
- d. State Records Management Division

Once you've picked an answer, scroll down to learn whether you were correct, and why!

Answers:

The correct answer is D: State Records Management Division. State Records Management works with agencies to update retention schedules, then submits them for final approval from the Oversight Committee on Public Records.

The incorrect answers are:

- a. Imaging and Microfilm Lab: The Imaging and Microfilm Lab creates digital or microfilm copies of agency records.
- b. Indiana Archives: The Indiana Archives preserves records permanently for historical purposes; they're *featured* in retention schedules, but they don't write them.
- c. Public Access Counselor: The Public Access Counselor assists agencies and citizens in determining which records are confidential and which are open to the public.

Great Job!

You don't have to memorize laws, procedures, and retention schedules to do a good job of managing your agency's records. You just need to learn

- where to go

and

- who to work with

when you have questions or need help!

Team Public Records

- State Employees
- Agency Records Coordinators
- Public Access Counselor
- IARA

working together to

- improve our offices
- serve our citizens
- protect Hoosier history.

Thank You

for taking our introductory course on Records Management for Indiana State Employees.

For more in-depth information (including additional training options), please visit our website at iara.IN.gov.