

CLIMBING OUT OF THE ABYSS USE AND MANAGEMENT OF EMAIL

I. Introduction/Identification of the Problem

The promise: Email will make everything easier for government to maintain and retrieve its records AND will make it easier/cheaper to respond under FOIA to citizens requesting records from government. *It will all be automated and can be obtained with the press of a button.* Access for everyone will be easier. REALLY?!

The reality: Email has actually WIDENED the gap between government and its citizens. It is harder to search and more costly to citizens because we've become complacent or even lazy. We do not organize our records; nor do we follow records management advice. The skill set for paper records has not transferred to the electronic world. Not to mention that sheer volume of email traffic sent and received.

The problem:

1. Failing to adequately organize your email and other electronic records; and
2. Thinking someone else will do it for you.

II. Virginia Public Records Act (§ 42.1-76 et seq.)

A. Requires each agency to:

- Establish and maintain an active and continuing program for the economic and efficient management of records
- Destroy records at the end of established retention periods
- Report destruction of records to the Library of VA
- Designate one Records Officer with the Library of VA

B. Important Definitions (§ 42.1-77):

What is an "agency?"

"Agency" means all boards, commissions, departments, divisions, institutions, authorities, or parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers.

What is a "record?"

"Public record" or "record" means recorded information that documents a transaction or activity by or with any public officer, agency or employee of an agency. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record.

C. Other considerations:

- *Format vs. content; Content wins.*

As is the case with FOIA, the **content** of a record controls in determining whether it is a public record and **NOT the equipment used or the format of the document.**

<u>Examples of Formats</u>	vs.	<u>Methods of Storage (Medium)</u>
E-mail		Hard drives
Word processing files		CDs
Spreadsheets		Magnetic tape
Web sites		Diskettes
Databases		DVDs
PowerPoint presentations		Network servers
Scanned images		Paper
Multimedia files		

- *Life Cycle of a record*

Phase 1: Creation/receipt of a record;

Phase 2: Active use;

Phase 3: Storage/maintenance;

Phase 4: Disposition

- *Preservation/maintenance of electronic records (§ 42.1-85)*

The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible throughout their lifecycle, including

converting and migrating electronic records as often as necessary so that information is not lost due to hardware, software, or media obsolescence or deterioration. Any public official who converts or migrates an electronic record shall ensure that it is an accurate copy of the original record. The converted or migrated record shall have the force of the original.

- *Record Retention Schedules*

General Schedules--Cover common records created by all state and local government offices and are available online at the Library of VA

Specific Schedules--Cover records unique to a particular agency and may be organized by unit or department. The specific schedules are not currently available online

Records Management Locality General Schedules

(from Library of VA website)

[Searchable Database for Locality General Schedules](#)

[GS-01](#), Election Records (May 10)

[GS-02](#), Fiscal Records (July 09)

[GS-03](#), Personnel Records (August 11) **New series: 200033**

[GS-04](#), County, City and Town Administration Records (Jul 08)

[GS-05](#), Assessment Records (Dec 07)

[GS-06](#), Land Use, Land Development and Public Works (Dec 10)

[GS-07](#), Public Utilities (Feb 04)

[GS-08](#), Sheriff and Regional Jail Records (Sept 10)

[GS-10](#), Fire and Rescue Records (Feb 04)

[GS-11](#), Parks and Recreation Records (Mar 08)

[GS-12](#), Circuit Court Records (Jun 08)

[GS-13](#), Commonwealth's Attorney Records (July 09)

[GS-14](#), County and Municipal Attorneys Records (May 10)

[GS-15](#), Social Services Records (March 11) **Update to series 101029**

[GS-16](#), General Services Records (Sep 05)

[GS-17](#), Law Enforcement Records (Sept 10)

[GS-18](#), Community Services Records (March 08)

[GS-19](#), Administrative Records (July 09)

[GS-20](#), Health Records (March 08) **Now state [General Schedule 120](#)**

[GS-21](#), Public School Records (March 11) **New series: 001013**

[GS-22](#), Library Records (Jun 04)
[GS-24](#), Juvenile Residential Programs (Nov 03)
[GS-25](#), Community Corrections Act Program Records (Sep 06)
[GS-26](#), Pretrial Service Records (Sep 05)
[GS-27](#), Court Appointed Special Advocate (CASA) Records (Jul 09)
[GS-28](#), Treasurer's Office Records (Jun 01)
[GS-29](#), Criminal Justice Training Academy Records (Dec 07)
[GS-30](#), Virginia Alcohol Safety Action Program (VASAP) Records (Jun 99)
[GS-31](#), Airport Records (Sep 03)
[GS-32](#), Redevelopment and Housing Authority Records (Jul 07)
[GS-33](#), Information Technology Records (March 09)

*** Recent Updates Highlighted in Red ***

Records Management State Agency General Schedules

(from Library of VA website)

[Searchable Database for State General Schedules](#)

[GS-101](#), Administrative Records (July 09)
[GS-102](#), Fiscal Records (May 08)
[GS-103](#), Personnel Records (August 11) ***New series: 200034***
[GS-104](#), Mailroom Records (March 01)
[GS-105](#), Motor Vehicle Records (Apr 01)
[GS-106](#), General Services Records (Sep 00)
[GS-107](#), Food Service Records (May 01)
[GS-108](#), Fire, Safety and Security Records (Sep 05)
[GS-109](#), Library and Museum Records (August 01)
[GS-111](#), College and University Records (March 09)
[GS-113](#), Information Technology Records (March 09)
[GS-120](#), Health Records (May 2011) ***Previously GS-20 Health Records***

*** Recent Updates Highlighted in Red ***

- *Disposition of public records--*(§ 42.1-86.1)
“... Each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed or discarded in accordance with subsection A, are

destroyed or discarded in a **timely manner** in accordance with the provisions of this chapter; provided, however, such records that contain identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of §18.2-186.3 shall be destroyed within **six months** of the expiration of the records retention period.”

What is a “timely manner”?

According to the Library of VA, “timely manner” means that records scheduled for destruction will be destroyed no later than the end of the calendar or fiscal year in which the retention period expires.

III. Final Tips to Climb Out Of the Abyss

1. EMAILS:

- In-house-- Create Project-based email;
 - Set up email account for specific projects (similar to word documents that are accessible by designated employees);
 - Make part of SOP for agency/department;
 - Use common words that are part of the SOP;
 - Abandon individual discrete project folders on individual email accounts in favor of shared folders for multiple users;
 - Use email as a communication tool and **NOT** as a way to conduct public business; and
 - Avoid technology tools because they change all the time.
- Consider third party email providers (e.g. Google, etc) that have powerful search tools and **THEY** do the back-up of emails.

2. ELECTRONIC RECORDS:

- Shared drive; shared access to a folder/document by employees that work on the project;
- Shared storage.
- Interplay with Records Management/Retention
 - Identify records series when records are created. Visibly label boxes with schedule number, records series, and destruction date. This will simplify tracking retention.
 - Do records destruction yearly and on a set schedule, such as the end of the fiscal or calendar year.
 - Regularly review the schedules online for changes. Do not print schedules; they will become out of date.

Questions?

***Library of Virginia**

Records Analysis Services

800 East Broad Street

Richmond, VA 23219

Phone: 804-692-3600

Fax: 804-692-3603

<http://www.lva.virginia.gov/agencies/records/>

***VA Freedom of Information Advisory Council**

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Fax: (804) 371-8705

Website: <http://foiacouncil.dls.virginia.gov>

V. Resources on-line at the Library of Virginia

Records Management

Under the authority of the Virginia Public Records Act, Records Analysis Services (RAS) at the Library is responsible for ensuring that public records are maintained and available throughout their life cycle. RAS supports localities and state agencies with the efficient and economical management of their public records by publishing Records Retention & Disposition Schedules, presenting workshops, monitoring the disposal of non-permanent records, and assisting with the transfer of permanent records to the Archives. Our services are provided free of charge.

- [Contacts](#)
- [Services and Training](#)

- [Retention Schedules](#)
- [Forms](#)
- [State Records Center](#)

- Guidance
 - [Box Specifications](#)
 - [Destruction of Records Containing Social Security Numbers](#) 
 - [Disaster Planning - DPLAN](#) 
 - [Disaster Planning - Emergency Pocket Response Plan](#) 
 - [Standards & Guidelines for Microfilm, Plats, Instruments, and Circuit Court Records](#)
 - [Timely Destruction of Records](#)
 - [Volume Estimation Table](#) 

- Publications
 - [Virginia Public Records Management Manual](#) 
 - [Electronic Records](#)
 - [Guide to the Virginia Public Records Act](#) 

- [Organizations and Regulations](#)

Records Officers seeking professional development are encouraged to join:

[Virginia Association of Government Archives and Records Administrators](#)
(VAGARA)

[Association of Records Managers and Administrators](#) (ARMA)

[National Association of Government Archives and Records Administrators](#)
(NAGARA)

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