

Records Management for Indiana County and Local Government

Presented by the Indiana Archives and Records Administration (IARA)

INTRODUCTION

As government employees in Indiana, 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 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. (More on that last part later!)

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 an Indiana Government 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 government 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 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 government office type.

The Archives and Records Administration works with representatives from each category of local and county government (which includes public schools and libraries) to determine which types of records are created by each, then creates **Office-Specific** retention schedules.

If you can't identify a record using your Office-Specific schedule, you should also check the **County/Local General Retention Schedule**, for common record types produced by *all* local government offices.

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 office 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:
 - a. Notification (if applicable) that records are PERMANENT and must be MICROFILMED, as well as instructions for what should be done with the original documents afterward.
 - b. **Retention:** if not permanent, how long the records must be maintained by the office.
 - c. **Disposition:** what happens at the end of the retention period:
 - i. Destruction.
 - ii. Transfer of records with potential historical value to the custody and ownership of the Indiana Archives.

WHY IS IT IMPORTANT TO FOLLOW COUNTY/LOCAL RETENTION SCHEDULES?

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

- Indiana's citizens
- our own offices
- Local, State and Federal government
- the judicial and criminal justice system
- Indiana's history.

It's also against the law, under Indiana Code 5-15-6-8.

Keeping records for too *long* isn't illegal, but it can waste both money and 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 your own office's publications
 - c. digitized images of existing paper documents

Be aware that while these are considered non-record materials and there are no retention requirements for them, **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?

IARA's County and Local Records Management Division

- writes and updates Records Retention Schedules for county and local offices.
- answers your questions about records transfer and destruction, microfilming and scanning, Records Retention Schedules that apply to your records, and other records-related procedures.
- reviews and approves your requests for destruction or transfer of records.

You can **call** the County and Local Records Division at **317-232-3661** or **317-233-9747**, or **e-mail** their staff at **cty @ iara.in.gov**.

You can also visit their web page for more information by going to **iara.IN.gov** and choosing *County/Local Records Management* from the left navigation bar under *Services For Government*.

Your County Commission of Public Records

- must meet at least once a year, with at least 4 members present for a legal quorum.
- documents the destruction/transfer of records that are covered on approved County/Local Retention Schedules.
- reviews and approves the destruction/transfer of records that are not (yet) covered on an approved County/Local Retention Schedule.

You will usually work with the Secretary of your County Commission. This will be either your County Clerk or your County Recorder, depending on your Commission's choice.

If you are the Secretary of your Commission, you'll find [Instructions for Holding a County Commission Meeting](#) on IARA's website, **iara.IN.gov**, on the *County/Local Records Management* page.

Review **IC 5-15-6-1** for the full Commission membership requirements and duties.

RECORDS DESTRUCTION OR TRANSFER

Records listed on an approved Records Retention Schedule:

1. Fill out State Form 44905, "Notice of Destruction, Local Government." (Available on the catalog at forms.IN.gov.)
2. All records listed MUST include the applicable Record Series Number.
3. Submit one copy of Form 44905 to the Secretary of your County Commission of Public Records, and one copy to IARA.
4. The destruction or transfer will be recorded in the minutes of the next Commission meeting for permanent documentation.
5. Destroy/transfer the records after 30 days or upon receipt of approval from IARA, whichever is sooner.

Records NOT listed on an approved Retention Schedule:

1. Fill out State Form 30505, "Request for Permission to Destroy or Transfer Certain Public Records (PR-1)." (Available on the catalog at forms.IN.gov.)
2. Submit it to the Secretary of your County Commission of Public Records for review at the next meeting of the Commission.
3. If the Commission approves the request, the Secretary must then submit a copy of the Form 30505 to IARA and to your county historical society/archive, so those entities have the opportunity to claim records of historical interest.
4. If neither party claims the records within 60 days of notification, the approved request will be returned to you, and you're free to destroy/transfer the records.

RECORDS PRESERVATION

Records Disasters and Emergencies:

1. These may include fire, flood, other immediate physical danger to your records, or the discovery of damaged records that are rapidly getting worse.
2. Contact professional disaster recovery experts for advice as soon as possible after you discover the situation.
3. If the emergency happens during non-business hours, contact the American Institute for Conservation's Cultural Emergency Response Team 24 hour free hotline at 201-661-8068.
4. Follow up by contacting the County/Local Records Management Division at [cty @ iara.in.gov](mailto:cty@iara.in.gov), if you need help with moving your records to safety, determining which records are salvageable, or properly disposing of those records which are not salvageable.

Preventing Records Damage and Disasters:

1. Keep copies of critical records (paper, microfilm, or electronic) at a separate location.
2. Never store records in a basement or attic, near water pipes or air conditioning, or near a heat/light source, either natural or artificial.
3. Wash and dry your hands before handling paper records; natural oils from your skin can contaminate them.
4. Use only stainless steel paperclips or rust-proof staples to bind papers.
5. Never use paperclips, staples, or tape on photographs; store them in acid-free boxes or sleeves.
6. Use only pencil or waterproof, acid-free ink on record labels.
7. When you move to a new software product or system, migrate existing electronic records to the new format.

HANDBOOKS AND PUBLICATIONS

In addition to Records Retention Schedules themselves, the IARA website offers a number of reference publications, including one specially designed for county and local government offices:

- **The Indiana County and Local Records Custodian Handbook**

A fifteen-page handbook covering all aspects of managing public records at the county/local level, including the laws that govern the process.

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

TEAM PUBLIC RECORDS

- County/Local Government Employees
- County Commissions of Public Records
- Public Access Counselor
- IARA

working together to

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

CONGRATULATIONS, RECORDS MANAGERS!

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!

Thank you

for reviewing our guide to the fundamentals of
Records Management for Indiana County and Local Government!

For more in-depth information,
please visit our website at
iara.IN.gov