

# **Records Management Program Guidelines**

## **Public Records Evidence Retention for Code Enforcement**

FACE Conference

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# RECORDS MANAGEMENT PROGRAM

In the State of Florida, all governmental agencies have a statutory mandate to establish and maintain a records management program to ensure the **economical and efficient management** of agency information.

**Economic management** indicates the fiscal value of information and highlights the potential for cost avoidance in managing information correctly. In contrast, poor records management results in the incorrect application of financial resources to solutions inconsistent to program goals.

**Efficient management** infers the tie between government process effectiveness and the management of agency information. With processes tied to the creation and receipt of information, it is impossible to maintain efficient processes while neglecting the management of the resulting record. Further, as an important agency commodity, information must be managed efficiently to ensure timely access for both internal and external purposes.

To ensure economic and efficient management of information, **a records program must be formalized and administered** with key components established in writing. All decision making effecting the management of information, either directly or indirectly (e.g. policy/procedure development, technology implementation, etc.) should take into account the agency's Records Management Program standards and goals.

## OVERALL PROGRAM GOALS

### I. ACCESS

- a. Internal – management access to both active and inactive records in an accurate and timely fashion to facilitate government processes.
- b. External – management access to both active and inactive records in an accurate and timely fashion to facilitate public records request.

### II. RETENTION

- a. Retention of records in accordance with all local, state and federal requirements.

### III. DISPOSITION

- a. Timely destruction of records at the end of their retention period in a secure manner.

- b. Disposition documentation pursuant to state requirements.

#### **IV. PRESERVATION**

- a. Protection of all records from physical calamity and decay.
  - i. Provision for disaster recovery, vital records protection
- b. Conversion of long term retention records to an appropriate preservation device.
- c. Storage of all records under secure conditions, preventing unauthorized access by both employees and third parties.

#### **RECORDS PROGRAM CHECKLIST**

The following is offered as a guide for parsing an agency's records management program into manageable/measurable projects. This list is purposely general and is not intended to be all inclusive of every stage/step in the implementation process.

##### Administrative

- Develop Written Records Management Guidelines
- Designate Records Management Liaison Officer (RMLO)
- Designate Unit/Department Coordinators & Back-Ups

##### Policies & Procedures

- Public Records Request Policy
- Records Disposition Procedure
- Social Media Policy (Defines Usage, Retention, & Disposal)
- Text Messaging Policy (Defines Usage, Retention, & Disposal)
- Microfilm/Imaging Procedure
- Automated Email Disposal Procedure
- Off-site Storage Procedure
- On-site Storage Procedure
- Contracts Management Procedure

##### Training

- Conduct Agency Wide Comprehensive Records Training
- Establish Annual Refresher Trainings
- Establish New Employee Orientation Records Component

- Establish Regular Meetings with Unit/Department Coordinators

#### Retention & Disposition:

##### Disposal Review

- Develop Comprehensive Disposition List
- Establish Paper Destruction Program
- Establish Network Drives Data Destruction Program
- Establish Software Programs Destruction Program
- Establish Social Media Destruction Program
- Establish Text Messaging Destruction Program

##### Organization/Storage

- Review Box Storage Locations
- Indexing of Stored Boxes
- Establish File Code for Active Paper Files
- Establish Folder Structure for Network Drives

##### Preservation

- Inventory of Permanent Records
- Establish Regular Imaging/Microfilming

## **PROGRAM ADMINISTRATION**

A records management program requires constant monitoring to ensure continuing legal compliance, economy and efficiency. **Success and implementation is driven by the motivation and support of management.** Adequate staffing and resources must be allocated to achieve program goals. All staff must understand that the records program is applicable agency-wide. Staff at all levels must provide input, assistance and cooperation.

## **PROGRAM MAINTENANCE**

The entire records management program requires constant monitoring to ensure continuing legal compliance, economy and efficiency. **Florida Law (Chapter 257, F.S.) requires each public agency designate a Records Management Liaison Officer (RMLO) in writing** to ensure that the records management program remains viable. Record Coordinators should regularly communicate with the agency RMLO, providing input on program status. Further, program status and needs should be regularly communicated to management to ensure proper support and allocation of resources.

## PUBLIC RECORDS DEFINITION

As defined by s. 119.011(12), F.S., “Public Records means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Further, the Florida Supreme Court in 1980 interpreted this definition to include “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”

In considering the definition of a Public Record, it is critical to understand **format, media type or duplication does not affect the public record status of information created or received by a public agency.** Therefore, the recommendations contained within this document apply to hardcopy as well as digital records, unless otherwise noted.

## CATEGORIES

A successful Records Program requires an understanding of categories - the basic components into which record collections may be parsed for retention and disposition purposes. To be easily understood by all staff, these categories should be limited to a very basic *record series title* level. This is also a requirement of the Florida Department of State (DOS) as outlined in **Rule Chapter 1B-24, F.A.C.** for Scheduling and Disposition purposes.

**Record Series Title.** A record series title is the name applied to a collection of information relating to the same subject or activity. Record Series Titles are determined by the Florida Department of State (DOS). These DOS records series are published with descriptions for each series in Records Retention Schedules. For example, Personnel File is the name of a collection of data about a specific employee. Personnel File is a convenient label for a nearly unlimited variety of information and is an efficient way to identify that collection rather than attempting to list all documents actually contained within a Personnel File.

## RETENTION

Florida's Records Management Program provides in part, a process whereby Public Agencies can receive minimum retention schedules for all agency-owned record series titles approved by the Department of State. These retention schedules address the **administrative, legal, fiscal and historical values** for public records and constitute a minimum retention period. Agencies may elect to retain records beyond the minimum retention period approved by the Department

of State. The procedures for scheduling public records are outlined in Chapter 1B-24, F.A.C.

**General Records Schedules** (available on the Department of State's website) set retention requirements for administrative and program functions identified by the Department of State as common to several or all public agencies. General Records Schedules can cover at least 75-80 percent of an agency's record series. Currently, there are fourteen General Records Schedules covering a number of administrative and programmatic record series.

**Individual Retention Schedule.** For the remaining 20-25 percent of records identified and not contained within appropriate General Schedules and for which no approved retention exists, an **Individual Retention Schedule** must be established. Agencies must complete a *Request for Records Retention Schedule* (Form LS5E-105REff.2-09) and submit to the Florida Department of State for review and approval. Once approved, the item should be added to the agency wide disposition list and the records should be disposed of according to the approved retention.

## DISPOSITION

Disposition is the application of approved retention schedules to record series titles. By far, the most economical solution to public records management is to destroy based on Department of State approved retention schedules. Further, section 119.021, F.S., states that public agencies "**shall systematically dispose of records no longer needed**" according to DOS requirements. Therefore, records must be destroyed as soon as legally possible.

Pursuant to Rule 1B-24, F.A.C., agencies "shall identify and document" specific information relating to the destruction of public records. This information includes:

1. Records retention schedule number;
2. Item number;
3. Record series title;
4. Inclusive dates of the records;
5. Volume in cubic feet for paper records; for electronic records, record the number of bytes and/or records and/or files if known, or indicate that the disposed records were in electronic form; and
6. Disposition action (manner of disposition) and date.

Retention periods are very fluid. Audit status; pending litigation; contract requirements, Attorney General and Auditor General destruction freezes; and changing legislation can affect retention requirements. The Department of State

regularly revises General Record Schedules. Therefore, ongoing maintenance of the retention database and disposition lists will be required.

## **CODE ENFORCEMENT CASE FILES REQUIRED RETENTION TIMES**

Pursuant to the *General Records Retention Schedule GS1-SL, for State and Local Government Agencies*. Published by the Florida Department of State.

### **CODE ENFORCEMENT HEARING CASE FILES Item #236**

This record series consists of case files documenting code violation hearings before the Code Enforcement Board or a Special Master, including affidavits, exhibits, letters, photographs, orders, and any supporting documentation and working papers relating to the case. Refer to Chapter 162, Florida Statutes, County or Municipal Code Enforcement. This series also includes records of hearings of red light camera violation appeals heard by the Code Enforcement Board or Special Magistrate in accordance with Section 316.0083(1)(b)1.a., Florida Statutes, Mark Wandall Traffic Safety Program; administration; report. See also "CODE VIOLATION RECORDS" and "MINUTES: OFFICIAL MEETINGS."

**RETENTION: 5 fiscal years after case is closed.**

### **CODE VIOLATION RECORDS: CITATION ISSUED Item #398**

This record series documents code enforcement activities in response to code or ordinance violations in instances when citations were issued. Records may include, but are not limited to, evidence of verbal or written warnings, photographs, on-site inspection notes, copies of the first and second violation notices, and orders to appear. If the process continues to a Code Enforcement Board hearing or a Special Master proceeding, the records become part of the Code Enforcement Hearing Case Files. Refer to Chapter 162, Florida Statutes, County or Municipal Code Enforcement. See also "CODE ENFORCEMENT HEARING CASE FILES" and "CODE VIOLATION RECORDS: NO CITATION ISSUED."

**RETENTION: 5 fiscal years after case is closed.**

### **CODE VIOLATION RECORDS: NO CITATION ISSUED Item #237**

This record series documents code enforcement activities in response to code or ordinance violations in instances when no citation is issued. Records may include, but are not limited to, evidence of verbal or written warnings, photographs, on-site inspection notes, copies of the first and second violation notices, and orders to appear. If a citation is issued and the process continues to a Code Enforcement Board hearing or a Special Master proceeding, the records become part of the Code Enforcement Hearing Case Files. Refer to Chapter 162, Florida Statutes, County Or Municipal Code Enforcement. See also "CODE VIOLATION RECORDS: CITATION ISSUED" and "CODE ENFORCEMENT HEARING CASE FILES."

**RETENTION: 3 anniversary years after case is closed.**