



UNC School of Government
Health Directors' Legal Conference

Annual Conference
Chapel Hill
2006



Agenda

What are the responsibilities of the Department of Cultural Resources – Government Records Branch?

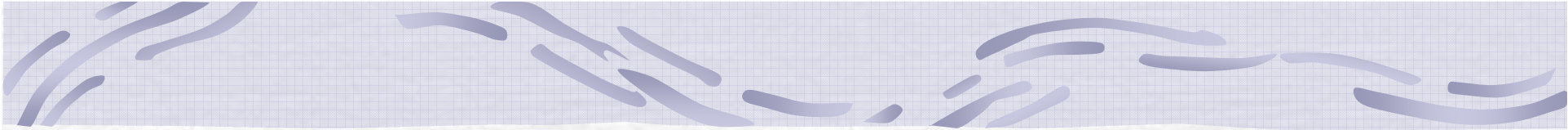
- Public Records Law
- Records Management
- Services offered to local agencies

Records Retention and Disposition Schedule for County Health Departments

Electronic Records


- Document Scanning (Imaging) Systems

Other Frequently Asked Questions



North Carolina Dept. of Cultural Resources (DCR) - Government Records Branch

The primary mission of the Government Records Branch is to provide and administer records management services to state and local government agencies and state supported institutions of higher education in accordance with North Carolina General Statutes Chapters 121 and 132.



Public Records Law

G.S. § 121-Archives and History Act

- DCR to Conduct a records management program.
- Provide advice and assistance on the proper maintenance and preservation of public records.
- Regulates destruction of public records.
- Preserve and protect "essential" or "historical" public records (information).

Public Records Law

G.S. § 132 Public Records Act

Defines a Public Record

“Public record” or “public records” shall mean all documents, paper, letter, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts or other documentary material, ***regardless of physical form or characteristics***, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

Public Record Law

G.S. § 132 Public Records Act

Identifies various confidential records.

Communications by legal council, state tax information, public enterprise billing information, records of criminal investigations, 911 databases, and specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure facilities.

Outlines the duties of public record custodians.

Destruction of records regulated and disposition of records at end of term.

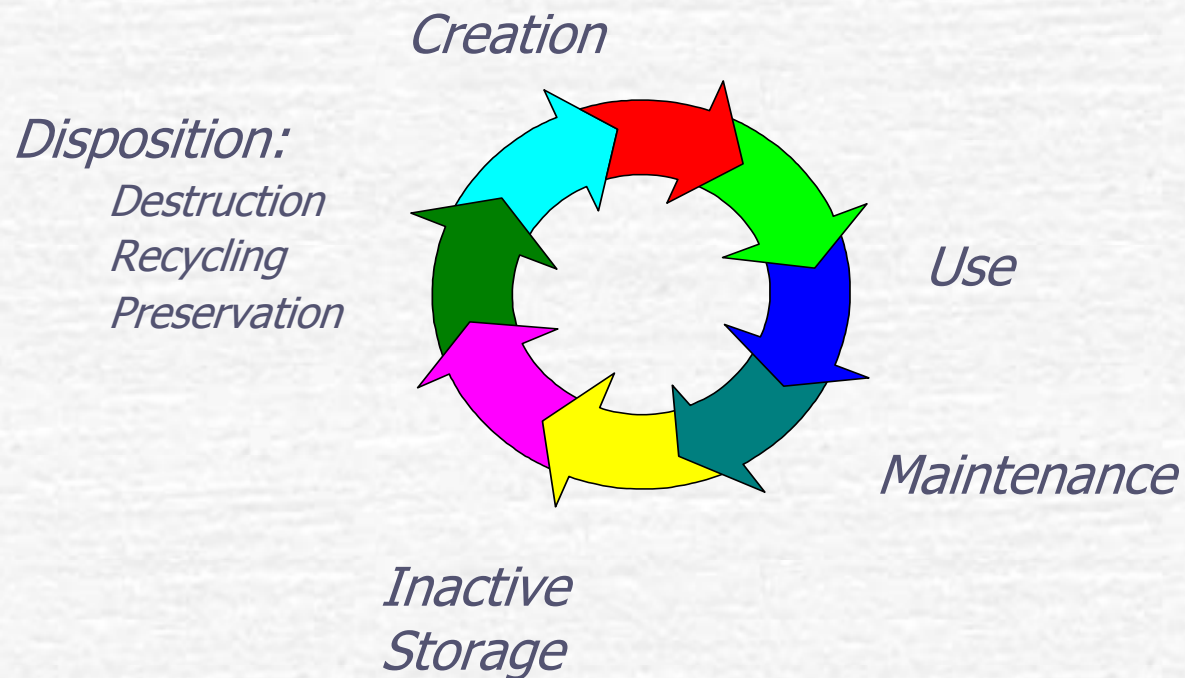
Inspection, examination and obtaining copies of records.

Keeping records in safe places; copying or repairing.

Dept. of Cultural Resources programs and responsibilities outlined.

Records Management

Records (information) management is the systematic and routine control of records during their entire life cycle:



Government Records Branch Services

- Records management consultations (phone, e-mail, on-site).
- Records management workshops.
- Records retention and disposition schedules.
- Document Microfilming.

Records Retention and Disposition Schedule

G.S. 132-3 reads, "No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural Resources.... Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court."

G.S. § 121-5(b) reads, "When any state, county, municipal, or other governmental records have been destroyed or otherwise disposed of in accordance with the procedures authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine."

Retention and Disposition Schedule County/District Health Departments

- Last published in 1997.
- Amendments published in 1999 & 2001.
- Draft due to be published mid 2006
- New schedule due to be published late 2006.

Electronic Records Management

G.S. 132-1 defined "Public record" or "public records" as "all documents, papers,...magnetic or other tapes, electronic data-processing records,...or other documentary materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance.

Storage media does not determine whether or not information (data) is a public record, nor does it ensure the legality (authenticity) of the information.

Electronic Records Management

Electronic public records include:

Computer databases and directories, word processing files, electronic mail, etc., and they may exist on a variety of storage media including hard drives, floppy disks, CD-ROMs, DVDs, Optical disks, magnetic tapes, etc.


Storage media are generally fragile and subject to damage by misuse or poor environmental storage conditions.



Electronic Records Management

North Carolina Guidelines for Managing Public Records Produced by Information Technology Systems

These guidelines are applicable to any information technology management system, including document scanning (imaging) systems, regardless of storage media used.



Electronic Records Management

Guidelines for Digital Imaging Systems (Phases I, II, III)

Public Database Indexing: Guidelines and Recommendations

Electronic Mail Guidelines

Guidelines for the Recycling, Destruction, Erasure, and Re-use of
Security Backup Files

<http://www.ah.dcr.state.nc.us/records/guidelines.htm>

Federal Department of Defense records management application
software standard – DoD 5015.2-STD approved June 2002.

Electronic Records Management

Custodial Responsibilities:

Procedural:

Security, accessibility, backups, migration and recovery.

Administrative:

Accuracy, completeness, authenticity, retention and preservation.



Records Management

Other Frequently Asked Questions

