


Managing Public Records


**North Carolina Government Finance Officers Association
October 11, 2018**

Presented by
Records Analysis Unit
Government Records Section




Workshop Objectives

- Overview of records management
- Public records laws of North Carolina
- Records retention and disposition schedule
- Finance records retention FAQs
- Electronic records management



Records Management Analysts

- Update current retention schedules and create new retention schedules
- Transfer materials to State Archives
- Guide records destructions
- Clarify public records law
- Train records custodians





Records Management






Values of Records





Common Examples of Transitory Materials

- Routing slips and transmittal sheets
- Duplicate copies of documents maintained in the same file
- Catalogs, trade journals
- Publications that are received from other Government agencies, commercial firms, or private institutions and that require no action and are not part of a case on which action is taken



Identify Essential Records

- Support critical, vital, necessary and desired services
- Necessary to resume business operations
- Preserve agency's financial, legal, and functional status
- Protect and fulfill obligations to citizens



Risk Management

Essential records program elements are

- Records selection
- Records protection
- Program implementation



Source: NAGARA, 2012.



Authentic Records

- Created during the course of normal business
- As part of established office procedures
- Using policies and procedures for system development, maintenance and use



NC General Statute 121

§ 121-4. Powers and duties of the Department of Natural and Cultural Resources.

(2) To conduct records management program including the operation of a records center or centers and a centralized microfilming program, for the benefit of all State agencies, and to provide advice and assistance to the public officials and agencies in matters of economical and efficient maintenance and preservation of public records

(3) To preserve and administer, in the North Carolina State Archives, such public records as may be deposited in its custody, and to collect, preserve, and administer private historical records and other documentary materials relating to the history of North Carolina and the territory included therein from the earliest times. The Department shall carefully protect and preserve such materials, file them according to approved archival practices, and permit them, at reasonable times and under the supervision of the Department, to be inspected, examined, or copied: Provided, that any materials placed in the keeping of the Department under special terms or conditions restricting their use shall be made accessible only in accordance with such terms or conditions.



NC General Statute 132

§ 132-1. "Public records" defined.

Public records =

all documents, papers, letters, 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 in connection with the transaction of public business or in the course of the operation of any agency or its subdivisions.



Public Records Request: Inspection

§ 132-6. Inspection and examination of records.

(a) Every custodian of public records shall permit any person to inspect and examine any public records in his custody to be inspected and examined at reasonable times under the reasonable supervision by any person, and shall, as soon as practicable, provide copies thereof upon payment of a fee as promptly as possible. As used herein, "custodian" does not mean the custodian of records of other agencies solely for purposes of storage or safekeeping or solely to provide data processing.

(b) No person requesting to inspect or examine any public records for any purpose or motive for the request shall be required to pay a fee for such request.

(c) No request to inspect, examine, or obtain copies of public records shall be denied on the ground that the records are confidential. The agency bears cost of separating confidential from nonconfidential records. The cost of such separation shall be borne by the person requesting inspection or copying of the public records.

(f) Notwithstanding the provisions of subsection (a) of this section, the inspection or copying of any public record which, because of its age or condition could be damaged during inspection or copying, may be made subject to reasonable restrictions intended to preserve the particular record.



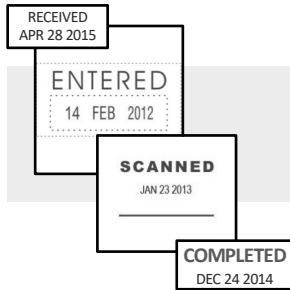
Administrative Value

“the usefulness of records to support ancillary operations and the routine management of an organization”

Local government agencies must establish and enforce internal policies setting minimum retention periods for records with the disposition instruction “destroy when administrative value ends.” Without the establishment of these policies, the office is not authorized by the Department of Natural and Cultural Resources to destroy these records.



Triggers



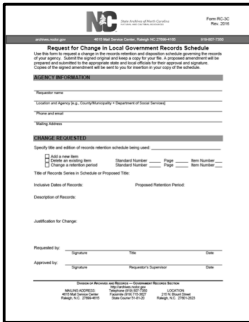
Search

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	OFFICER
01.	EMPLOYEE EDUCATIONAL ASSISTANCE PROGRAM RECORDS Includes records regarding tuition assistance, reimbursements, and other related records. See also: PERSONNEL RECORDS (SERIALS) 004-001-01	Destroy in office 3 years after completion, approval, or removal from program. ¹	
02.	EMPLOYEE SECURITY RECORDS Includes the United States Immigration and Naturalization Service (INS) Employment Eligibility Requirements. See also: PERSONNEL RECORDS (SERIALS) 004-001-01	Retention: retention throughout the duration of an individual's employment after separation. Destroy records in office 3 years from date of final or last final separation, whichever occurs later. 6 USC 1344(b)(1)	
03.	EMPLOYEE PAY PERSONNEL RECORDS See also: PERSONNEL RECORDS (SERIALS) 004-001-01	Destroy in office after 3 years.	
04.	EMPLOYEE DEATH CERTIFICATES Includes death or physical examination reports or certificates issued in accordance with Title 18 and the Americans with Disabilities Act (ADA). See also: PERSONNEL RECORDS (SERIALS) 004-001-01	Transfer records in accordance to PERSONNEL RECORDS (SERIALS) 004-001-01, page 03. 18 USC 1002 (1) 18 USC 1002 (1)	

¹See ACQUISITION, RETENTION, AND OTHER OFFICIAL ACTIONS, page 01.
²See retention schedule. For approval levels approved and certified and enforce internal policies setting minimum retention periods for the records that Cultural Resources has advised are the disposition instruction "destroy when administrative value ends." Please use the space provided.



Request for Change in Records Schedule



NC Form 100-200
Rev. 08/18

Request for Change in Local Government Records Schedule

Use this form to request a change in the records schedule for a local government. The request must be submitted to the State Archives and Records Administration (SARA) and the local government's records manager. The request must include a justification for the change and a proposed new schedule.

RECORDS INFORMATION

Title: _____
 Agency: _____
 Requested by: _____
 Date: _____

REASON FOR CHANGE

Change in law
 Change in function
 Change in record type

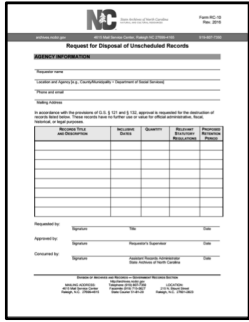
Provide a brief description of the records to be changed, including the date range and the number of records.

Justification for Change: _____

Requested by: _____
 Approved by: _____
 Contacted by: _____



Request for Disposal of Unscheduled Records



NC Form 100-200
Rev. 08/18

Request for Disposal of Unscheduled Records

Use this form to request the disposal of records that are not included in a records schedule. The request must be submitted to the State Archives and Records Administration (SARA) and the local government's records manager. The request must include a justification for the disposal and a list of the records to be disposed of.

RECORDS INFORMATION

Title: _____
 Agency: _____
 Requested by: _____
 Date: _____

REASON FOR DISPOSAL

Records are no longer needed
 Records are obsolete
 Records are redundant
 Records are of minimal value

Record Title	Retention Period	Quantity	Disposition

Justification for Disposal: _____

Requested by: _____
 Approved by: _____
 Contacted by: _____



Records Destruction

07 NCAC 04M .0510
METHODS OF DESTRUCTION



Electronic Records Destruction

Data and metadata are overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed

- Purge hard drives from computers and copiers before surplussing
- Hitting “delete file” isn’t good enough



Audit and Litigation Holds



Remember:

If there’s a lawsuit, or even the possibility of a lawsuit, you may be required to retain records, *including the metadata* associated with electronic records, **EVEN IF THEY COULD BE DESTROYED LEGALLY UNDER THE RETENTION RULES**



FAQs

How long do I have to keep these timesheets?

Is this audit report a permanent document?

Is this draft a public record?

What if I want to keep these records longer than the scheduled retention?

Can I just scan these records and destroy the paper?

Who keeps these files Finance or HR?

Audit Records

Records concerning internal and external financial statements and financial-related audits

- Reports
- Drafts
- Working papers



Payroll and Earning Records

Total wages paid to each employee per payroll period

- Payroll registers showing earnings and deductions for each pay period
- Individual and group employee earnings records






Personnel Records


Official copy of personnel file maintained on each agency employee

- basic employee information
- records and forms relating to employment actions
 - Selection
 - Non-selection
 - Leave
 - Salary
 - Termination of employment






Scanning



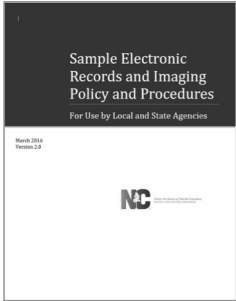
Is Imaging the Solution?


<ul style="list-style-type: none"> • Use every day • Need to share • Need quickly • Need often • Difficult to search 	<ul style="list-style-type: none"> • Never/infrequently use • Will destroy soon
	




Sample Electronic Records and Imaging Policy

- Backup procedures
- Physical and intellectual security precautions
- Training documentation
- Governed by same retention and disposition schedule as paper records





Electronic Means Form



Rev. 2016

Request for Disposal of Original Records Duplicated by Electronic Means


If you have questions, call (919) 887-7380 and ask for a Records Management Analyst.

This form is used to request approval from the Department of Natural and Cultural Resources to dispose of non-permanent record materials that have been scanned, scanned into databases, or otherwise duplicated through digital imaging or other means of digital conversion. This form does not apply to records that have been microfilmed or produced on film.

Agency Contact Name: _____ (Rev. 04/01/11)	
Phone (area code): _____	Email: _____
County/Municipality: _____	Office: _____
Mailing address: _____	

Record Description of Records - Vol Retention Period

Records Series Title	Description of Records as in records schedule	Volume Dates (Start-End)	Volume or Piece Count	Retention Period as in records schedule



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Online Tutorials

In addition to the face-to-face workshops, the Records Analysis Unit offers online tutorials for state and local agency employees. See the list below for more details.

- + Functional Schedules for State Agencies
- + Basics of Public Records Management for State Agencies
- + Scanning State Agency Records
- + Managing Public Records for Local Government Agencies
- + Public Records & Confidentiality for Local Governments in North Carolina

- Managing Public Records for Local Government Agencies
- Managing Electronic Public Records: Recognizing Perils and Avoiding Pitfalls
- Social Media Usage in North Carolina State Government
- Scanning Local Records
- Public Records and Confidentiality for Local Governments in North Carolina
- Microfilming Minutes



For More Information

The G.S. 132 Files
State Archives of North Carolina

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FAQ: Permanent (Appraisal Required)

In the Functional Schedule for North Carolina State Agencies, you sometimes find this in the disposition instructions: Permanent (appraisal required) in the process. We explain the process that will be followed for these records. When these records no longer have administrative value in office, the agency will contact the Government Records Section on the records.

[Continue reading...](#)

Disaster Preparations: Hurricane Florence

The State Archives of North Carolina is closely monitoring the progress of Hurricane Florence and the potential impacts it could have on North Carolina. We are encouraging all agencies to start preparation actions to help protect your records. Maximize your records storage areas. Ensure


Announcing: Managing Public Records Workshops, Fall 2018

FAQ: Administrative Value for State Agency Records

State agency records may have several different types of value at their creation. Some, like budget records, have fiscal value and might be subject to audit. Others, like contracts, have legal value and might be subject to litigation. Some, like email records,

FAQ: Security Storage

What's the meaning of the D on the Functional Schedule for North Carolina State Agencies? Some records series have their disposition instructions in the appendix. Transfer to the State Records Center when reference value ends for permanent security storage. These records will be stored permanently at the State Records Center but they will never


ncrecords.wordpress.com

Records Management Analysts

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