



Protecting Vital Records

By Robin Wilson

Records Management Technical Bulletins

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The National Historical Publications and Records Commission (NHPRC), a statutory body affiliated with the National Archives and Records Administration (NARA), supports a wide range of activities to preserve, publish, and encourage the use of documentary sources, created in every medium ranging from quill pen to computer, relating to the history of the United States.

Preface

Like every organization, local governments create and maintain large quantities of records. Many of these records not only are of great value to the local government, but also are of concern and essential to the citizens of the community. Federal and state-mandated program requirements, changes in growth and development patterns, expanded service needs, the use of computers and other technologies for creating and using information, and the proliferation of copies in various formats, have all contributed to this enormous accumulation of records. Each publication is intended to make available to local governments the basic principles, policies, and guidelines that should be followed in establishing a sound records management program and in carrying out sound records management practices.

The series is intended for local officials, with limited resources, who lack formal records management or archival training but who have custodial responsibility for records. These local governments include townships, villages, cities, counties, school districts, and other local political subdivisions and special-purpose districts. Each of the following publications in the series includes a bibliography that refers to other reading for more detailed information and guidance.

Overview:

Starting a Records Management Program, The Daily Management of Records and Information, Making Your Records Management Program Successful, Managing Records on Limited Resources, Funding Your Records Management Project

Creation, Collection and Storage:

Identifying and Locating Your Records, Establishing Records Retention, The Selection and Development of Local Government Records Storage Facilities, Developing a Records Storage System

Preservation, Promotion, Use and Access:

Archives for Local Governments, Protecting Records, Using and Storing Microfilm

Care, Management, and Preservation of Electronic Records:

E-Mail Management, Selecting and Using Document Imaging Systems, Managing Electronic Records, Preparing for E-Discovery

Copies of these bulletins are available on the IIMC and NAGARA websites.
IIMC at www.iimc.com • www.nagara.org

Acknowledgements

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Table of Contents

I. Introduction1

II. The Value Of Public Records1

III. Vital Records Fundamentals2

 What Is A Vital Records Program?3

 Not All Public Records Are Vital Records3

 Selection Criteria - The IPER Example.....3

 Relevant Regulations4

 Relevant Terms4

 Concepts To Clarify - Agency Roles and Who Is Responsible.....5

IV. The Records Protection Foundation.....5

 Preparing For Administrative Controls5

 Establish Administrative Controls.....6

V. Special Conditions Impacting Public Records 12

 Discovery 12

 Legal Holds 12

VI. Summary 13

Appendix..... 14

Bibliography..... 14

I. Introduction

A storm of conditions challenges local government's ability to maintain resources and provide essential services. At the core of every office is information accumulated in the course of business—records that document the role of that office. To do its job, each office must protect its records.

Each day local government must accept or create new records and reference older ones. To ensure availability for both staff and public use, these essential records must be protected.

We must, therefore,

- identify what records we have and organize them; and
- preserve them for as long as they are needed.

We must also

- establish policies and procedures for a vital records program;
- establish which records are vital;
- identify resources to secure vital records; and
- manage vital records in parallel with a records management program.

ARMA International promulgates Generally Accepted Recordkeeping Principles®:

“Records and recordkeeping are inextricably linked with any organized activity. It is only through the information an organization records in the normal course of business that it can know what it has done and effectively plan what it will do in the future. As a key resource in the operation of any organization, records must be created, organized, secured, maintained, and used in a way that effectively supports the activity of that organization, including:

- Facilitating and sustaining day-to-day operations
- Supporting predictive activities such as budgeting and planning
- Assisting in answering questions about past decisions and activities
- Demonstrating and documenting compliance with applicable laws, regulations, and standards.”

This bulletin overviews records protection while presenting steps for establishing a vital and essential records program. This bulletin represents only part of the processes needed to manage your records. The other IIMC Records Bulletins are an excellent resource for discovering other aspects of managing records. An appendix provides a variety of related resources.

II. The Value of Public Records

Public records' value underscores the management and preservation of these assets. Records result from all office functions. *Vital records* are “records that are fundamental to the functioning of an organization and necessary to continue operations without delay under abnormal conditions.”

Content and purpose make records valuable.

- Access to services, ex: vehicle registration, deeds and titles, birth certificates, and documents in support of rights (voting records, legal proceedings) make records valuable to citizens.
- Agency staff and elected/appointed officials understand that records enable them to fulfill their mission to provide public services, maintain daily operations and address legal proceedings.
- Both citizens and public officials perceive that records permit our system of governance, document compliance with rules/laws, and enable future review.

The impact of records management should be clear. When initiating a vital records program, ensure personnel understand these concepts and encourage a general understanding of records characteristics and records management.

The Glossary of Records and Information Management Terms, 3rd edition, ARMA International states:

Records are “the evidence of what an organization does” and [sees] *records management* as “the systematic control of records throughout their life cycle.”

Vital records are “records that are fundamental to the functioning of an organization and necessary to continue operations without delay under abnormal conditions.”

These definitions are “media neutral.” They concern record *content and purpose* (what they document, identify and verify) and not their *media* or the format to which they are finally committed. This distinction may cause confusion and conflict. The “best” *format* to preserve a record should not overshadow the importance of the *content* being recorded.

Public Records

Valuable Documentation

Agency Activities

- Official decisions and actions
- Legal position of an agency
- History of an organization
- Stewardship of public funds and resources

Citizen Information

- Rights in ownership of property (deeds)
- Personal, but enduring life events (births, deaths, marriages, immunization, school graduation)
- Permissions to privileges (licenses, permits, easements, releases)

History and Trends

- Economic data (tax rolls, deeds, enrollment)
- Marriage, probate, property transfers
- Legal decisions, bond issues, reports of public hearings and investigations
- Minutes of meetings
- Resolutions, ordinances

Records management programs are appropriately media neutral and based upon the retention period requirements of the particular record. Vital records programs must embrace a somewhat different view.

Ultimately, a proper balance should consider – record purpose, available formats, and access systems to provide rapid use when emergency conditions demand vital records *security copies*. Budget and physical resources, such as storage and connectivity, are essential related factors.

Finally, while technology has expanded the options for creating, maintaining and distributing in-

formation to the public—adding to paper records—it has not truly replaced them. In identifying vital records, think *message* (the record content), not media. This may point to the most effective *media* or format for use against the interruption of normal operations.

III. Vital Records Fundamentals

“Essential” and “vital” are terms used to refer to records that are necessary to continuity of government operations. Imagine which records and information your agency would need the day after a flood fills your building with mud, destroying your computers and file rooms. Where will you begin looking for that select fraction of the total records of your offices that are *vital* to starting services again? With planning and preparation – a *vital records program* – your organization can be ready.

To clarify a common point of confusion: Many state or local rules or laws define “vital records” fairly specifically. In this bulletin, the term “vital” means records which are needed to restore and maintain operations in the event of a disaster, emergency or interruption of services. This usage is consistent with the accepted terminology of records management professionals. It appears in related resources such those published by the Intergovernmental Preparedness for Essential Records (IPER) Project (see the Appendix for links).

To some, “vital records” means birth/ death/ marriage records. Legal definitions of vital records vary from state to state. Yet they may only refer to a subset of agency records that are required in a central records management program. Vital records programs identify and retain an ever-changing set of records and information “essential-to-the-operation-of-government.”

To achieve this requires a parallel process to records management practices. It means balancing the connected – but separate – requirements of a records management program *and* a vital records program. The records program should handle whatever your local rules specify are “vital” records while the vital records program will identify and manage duplicates, or *security copies* of records for use to keep your agency running should fire, flood or tornados strike.

1. What is a Vital Records Program?

This planned safeguard offers protection of records and information deemed most valuable to conducting agency business following a disaster, or for the continuity of operations.

Vital records program elements are

- Records Selection
- Records Protection
- Program Implementation

Each agency's vital records program will be unique, because each agency's function and records are different. This bulletin provides a general approach to starting a vital records program, based on the expertise and resources of your staff.

Keep these related concepts in mind:

- Vital records programs require separate procedures and directives;
- Records management programs deal with the life cycle of records, while a vital records program deals with the cycling of security copies;
- Security copies of vital records are not "records" in the classic sense – they are copies maintained in preparation for continuity of operations; and
- Storage and access options will differ for vital records in ensure continuity of operations.

2. Not All Public Records are *Vital* Records



What are Vital Records?

Those required for the continuation of operations, *vital* to sustaining an organization and its mission; also, those that have an immediate importance to the functioning of governmental services, or *essential* records. Remember as you promote these efforts that one of the most important elements of agency disaster preparedness is a vital records program. This is basic insurance for any organization, especially for public agencies.

What would happen if your building became inaccessible tonight – if it burned, or the roof leaked and destroyed your floor of the complex, if a storm threw a tree through the windows, or flood waters kept you from entering. How would you manage somehow to work tomorrow? Could you get back into operation? What records would your organization absolutely *have* to have?

Your first reaction is likely “*Everything* we have is vital!” If that is true, you will need to duplicate *everything*, and store it all off-site in a secure location. Thankfully, a true vital records program is highly selective. It should include no more than 7% (3% to 5% is likely) of an agency's total records.

3. Selection Criteria – the IPER Example



Following is a sub-set of vital records concepts to consider as part of your internal review. It is excerpted from one of the Handouts for IPER Essential Records Course.

See the Appendix for links to these materials.

Records That Might Be Designated as Essential or Vital

Emergency Response; health, and safety of staff

- Emergency and Continuity of Operations/Contingency plans, procedures, call trees
- Emergency Delegations of authority
- Building plans, computer, utility system manuals
- Emergency purchase procedures
- Partner agencies/recovery service vendors contact lists

- Maps (e.g., tax, roads, subdivisions, hazards), infrastructure and utility plans
- Essential records plans, locations of records
- E911 addressing data

Necessary to resume or continue operations

- Insurance, payroll, accounts payable and receivable, bonds, notes
- Delegation of authority, temporary purchase authority
- Current ordinances, laws, policies, directives
- Computer program and system documentation, unpublished manuals
- Forms for applications, licenses, permits, tax payments

Legal and Financial Rights Records; related to health, safety, property, and rights of residents and the government

- Birth and death certificates, burial permits, marriage licenses
- Voter registration lists
- Deeds, mortgages, land records; Property value assessing
- Licenses, permits issued/applications
- Case files; Adoptions; Changes of name
- Decedents' estates

Require massive resources to reconstruct

- Taxes (paid, unpaid, pending, abated, liens)

Document the history of communities

- Annual reports summarizing the government's activity
- Audit reports
- Minutes of meetings

Many of these records may exist in more than one format—e.g., paper, microfilm, electronic versions. See also IPER's Essential Records Chart Handout 1.4 (Appendix).

4. Relevant Regulations

Vital records programs are mandatory throughout the federal government. For these agencies vital records are governed by FEMA and NARA regulations. NARA rules are found in the *Code of Federal Regulations*, Title 36, Part 1236 (see Appendix).

These rules require that a vital records program:

- State who is responsible for what,
- Require that all program-associated employees know about vital records,
- Ensure that vital records are kept current and complete through cycling, and
- Ensure that vital records are safe and immediately usable

Your state or local government may have similar mandates. If your agency or municipality receives federal funding, even in part, requirements expressed in those grants and agreements likely specify the need to establish vital records programs or approaches. These mandates result in many resources that your organization can access.

5. Relevant Terms

Cycle means the periodic removal of obsolete copies of vital records and replacement with copies of current vital records.

Off-site storage means a facility other than an agency's normal place of business where the vital records are stored for protection.

Dispersal is a method of protecting vital records through routine or planned duplication and distribution to other locations and levels of an organization. When these records are maintained in two or more locations per a vital records program, additional protection may be unnecessary. Copies of these inventories and related indexes, with location directories, should be included in the Emergency Operations materials *as part of the Vital Records and Continuity of Operations Plans*.

6. Concepts to Clarify – Agency Roles and Who is Responsible

Vital records program decisions should be made on the basis of the roles of the agency. This calls for active participation by a variety of personnel.

These include

- Senior management;
- Records managers and systems managers (IT, Financial, Facilities);
- Program/functional area managers; and
- Disaster planners and safety managers.

While a vital records program is *expensive*, it cannot be effectively undertaken without adequate resources – both funding and personnel.

Your first responsibility as a records manager, vital records program director or disaster planner is to sell the program to senior management. Remember this when promoting these needs:

The IPER Essential Records Questionnaire

Asks:

1. How soon would you need access to the record after an emergency (hours, days, weeks)?
2. Why is the record deemed to be essential?
 - Necessary for emergency response.
 - Necessary to resume or continue operations.
 - Would require massive resources to reconstruct.
 - Documents the history of communities and families.
 - Are you protecting this essential record?

In each essentiality, how is the records used?

Such a program seeks to prevent a critical failure of your agency, office or department to provide its expertise/ services during or shortly after disaster strikes.

IV. The Records Protection Foundation

How do you protect public records? This is a challenge. In effect, records protection identifies vital records and protects them via administrative controls.

1. Preparing for Administrative Controls

Administrative Controls refers to policies / practices used to protect systems and information, including records.

Examples of these protective measures include:

- using locking file cabinets;
- having a public records access (release of information) policy;
- requiring the use of computer account passwords; and
- placing limits on who may enter a records vault.

To determine appropriate administrative controls, consider the following recommended sequence:

A. Establish the authority to manage records

Without delegation of authority to control an agency's records, a person assigned records management tasks cannot act to ensure that records (*"information created, received, and maintained as evidence and information by an organization or person, in pursuance of legal obligations or in the transaction of business."*) are sheltered appropriately.

See also *IIMC Bulletin 6, Starting a Successful Records Management Program* for information on establishing an authoritative records management role in your agency.

B. Develop and enact records management policies and procedures

As with having the authority to establish best practices for recordkeeping in an agency, it is essential to have policies and procedures to guide agency personnel. With formal guidance in use, staff (and records managers) have a common set of information to refer to while working together to secure records.

See the IIMC Bulletin, *Establishing Records Retention*.

C. Know (and communicate) public record characteristics

All vital records share key characteristics: they must be retrievable, they must be identified and their order must be sustained. We all know the anguish of being unable to locate a record.

D. Understand the physical properties of record media

What equipment and facilities are needed in order to protect these media, or formats?

- Paper documents are susceptible to light, heat, water, and handling. Vital records on paper (such as birth certificates or blue prints with official seals affixed) require storage in cabinets and rooms that protect against fire and water. Also, limited access to vital records is important since order and condition are critical to usefulness across time.
- Electronic records—text files, data, digital images or audio recordings—are subject to the same damage as paper records, plus loss through exposure of their host media to magnetic and electronic sources. These records can be altered or corrupted, whether inadvertent and intentional.
- CDs and DVDs are susceptible to heat, UV and fluorescent light, magnetic exposure, or scratches /chipping of their surfaces.
- Magnetic tapes and drives or computer hard drives (and servers) share the same vulnerabilities, as well as water/moisture issues.
- Portable memory devices, such as flash and/ thumb drives, can be damaged by exposure to heat or magnetic sources. Do not store these devices near cell phones and personal data devices (iPads/tablet devices)!
- Microfilm, -fiche or eye-readable miniaturized images are susceptible to heat and light/UV, yet have survived water damage if rescued and dried rapidly.
- Photographic prints and negatives face the same hazards as paper. Digital photography is an alternative, but must be protected as electronic records.

Be Ready - Vital records provide information needed to restart and foster agency operations - - just as an emergency preparedness kit is intended to support home preparedness – providing those essentials needed to maintain operations until things return to normal. FEMA recognizes this need even at the household level, conveying information on “records vital to restarting a...family lifestyle.” Public agencies should do no less.

2. Establish Administrative Controls

Nine Processes are involved:

A. Analysis and Assessment

Internal analysis and resource assessment permit informed choices about selection of vital records. Self-assessment process results focus upon *risks to an agency's ability to perform mandated functions*.

Examples of risks to consider include:

- Does the agency provide critical public health, welfare or safety services?
- Does the agency have legal mandates, such as environment / taxation / privacy rules or educational reporting?

Vital records selection must be based on criteria established by senior management in consultation with policy analysts, program managers, emergency management planners, and records managers.

Selection must also be based on comprehensive knowledge of all the agency's or office's records, available through existing file plans and inventories. If such data is insufficient, a comprehensive inventory of all the office's records must be conducted. Use any process you like to identify essential functions and records, including:

- Review mission and departmental statements (or similar information) for your agency or department
- Determine the requirements of any existing Continuity of Operations (COOP) Plan
- Review existing records retention schedules
- Interview key staff members
- Consult information technology's (IT) Business Impact Analysis (BIA) or Contingency Plan

Several different processes will be needed to complete the activity.

IPER, in its Essential Records Course, offers the following guidance regarding selection of vital records:

B. A Vital Records Plan

Successfully establishing a vital records plan involves working through the process of contingency planning and risk assessment.

Table 1: Potential Candidates for Essential Records Status by Category (IPER)

Categories	Specific Records
1. Proof of ownership by the agency	1. Property and equipment Inventories; real estate records (titles, deeds); Accounts Receivable
2. Proof of monies owed to the organization	2. Accounts Receivable contracts, leases
3. Fiscal obligations of organization	3. Accounts Payable, loans, and other fiscal obligations
4. Employee compensation and benefits	4. Labor contracts, payroll registers, insurance, and retirement plans.
5. Records regarding physical plant	5. Engineering drawings, building plans or blue prints, equipment specifications, hardware inventories, civil defense plans, hazardous material inventories.
6. Records relating to production or work product	6. Product processes, formulae designs, warehouse inventories, inventory controls lists, process specifications
7. Operating policies and procedures	7. Orders of succession, delegations of authority, staffing assignments, task specifications, policies and procedures manuals, directives
8. Records regarding computer infrastructure	8. System documentation and backups, software documenttion manuals
9. Future directions	9. Strategic plans, forecasts
10. Past Management	10. Board and executive meetings, report and official statements

Table continued in next column

Table 1: Potential Candidates for Essential Records Status by Category (IPER)

Categories	Specific Records
11. Research findings and product development	11. Formulae, patent authorizations, product development plans, research and development (R&D) records, baseline data, specifications
12. Locations of records	12. Essential records inventory lists; file plans and retention schedules
13. Records regarding the maintenance of public health, safety, and order in emergency	13. Emergency procedures, emergency contact lists, computer program documentation, disaster and emergency plans
14. Records needed to protect the rights and interests of individual residents or associations of residents	14. Legal records, identity documentation, voting registration lists, property titles, education trascripts

The vital records plan should reflect:

- the nature and likelihood of potential disasters that may affect an agency, and the consequences should they occur,
- which basic operations must continue during an emergency,
- responsibilities of agency staff during an emergency, and
- what records are required to support agency responsibilities and resume operations after an event.

A *disaster* is an unexpected occurrence inflicting widespread destruction / distress and having long term adverse effects on agency operations. This can mean explosions, hurricanes, tornados, floods, fires, and even civil unrest. Each agency must define what long term adverse effects of different disasters would affect its most critical programs. Planners must assess the actual risk posed in their regions by various levels of disaster and design their vital records protection programs accordingly.

For example, if your agency or community is located in a flood-prone region that has no history of earthquakes, your vital records plan would probably determine its risk of flood-related disasters as higher than that of an earthquake.

Another detail – which programs that are deemed critical will differ if you are at a county courthouse as opposed to the office of a city manager. Resources for off-site storage, for example, will differ. Courts can potentially network with other courts in the same state, while cities can consider memoranda of understanding with other municipalities to achieve distributed storage. In either instance, your vital records plan will address the type and nature of what would constitute a likely disaster for your operations, define its most critical programs and activities and in so doing, determine which records are vital to ensuring continuing operations.

C. Physical Inventories

Inventories identify what information and records an agency has at the time, and expects to have in the future. In order to make informed decisions about which records are vital and how to manage and protect them, inventories provide details of an agency's vital records.

Inventories determine

- Record type, life cycle and value;
- Quantity (linear foot and/or mg-gigabytes of memory, rolls of film, etc.);
- Condition (at risk/worn);
- Format (paper, photographic/ microform or electronic) and media (blueprint, silver nitrate microfilm, CD/DVD/hard drive);
- Location (building, room, cabinet, computer system, or server);
- Origin (from whence the records came);
- Authority (responsible office or party) who has authority over them, who created them, who has access—keys to the file room or password to the server space).

Performing a Vital Records Inventory

Many state legal codes mandate the frequency of primary records inventories. However, vital records should be identified in the process. Where to begin? If responsible for the records for the motor vehicle registration, the most valuable records – those to be inventoried first – would be those that identify vehicles registered by the division. In this example, other existing records in the division— personnel, financial or building operations—could be inventoried later since they are not vital records of the office. Remember that records inventories, like property lists, should be repeated periodically, especially after reorganization or change in mission/scope.

Keep the Volume of Vital Records Manageable

Remember, while performing or reviewing an inventory, to keep the volume of vital records at a manageable level. Three to five percent of your total records is a rule of thumb. Equally important is the concept of *dispersal*. Many vital records may be already duplicated elsewhere, often at other levels of your agency. This is called a “routine” or “automatic” dispersal (Records inventory will help establish the extent of routine off-site duplication). Locations and procedures for timely retrieval or copying in case of disaster must be in place for such vital records.

Of greatest concern are vital records that are genuinely unique, of which there are no copies, prior to implementation of vital records program. These should be planned for dispersal: duplication and secure storage off-site. In rare instances, storage may be on-site but only if copies are truly protected. The most effective method is off-site storage. Off-site storage should be sufficiently remote that vital records will not fall victim to the same disaster impacting your offices. However, emergency operating records must be immediately retrievable.

Compare inventory results against the risk assessments above. If, for instance, the agency has begun using an online tool to gather required information and an inventory shows that a large number of inactive (but still vital) records exist on paper, then those paper records should be the focus of a decision whether scanning them will improve access.

Select one format or media for vital records

Vital record designations for electronic/non-electronic record series should be coordinated. If exactly the same information exists in electronic/non-electronic records, one format should be earmarked for vital records protection.

D. Index and Document

To protect vital records, they must be identified and documented. Use records inventories (with record values established) to prepare indexes, or listings, of agency records. By knowing what records exist, regardless of format, local government can actively manage its resources to protect those that are most important.

There is no single approach to indexing vital records, but most use physical inventories to list known records and their locations. Often contact information names knowledgeable personnel or record liaisons assigned to maintain their portion of such indexes. Manual indexing often connects the inventory with development of a retention schedule. Retention scheduling is discussed below.

In the electronic environment additional options emerge, especially if a centralized information network, electronic document management system (EDMS), or enterprise resource program (ERP) is used. If the agency employs a networked computer system, it does not necessarily “manage vital records”. An effective system depends on records valuation and index instructions as part of its functionality. Close work with IT personnel leverages best use of these systems.

E. Retention Schedules

The scheduling of records is a key records management process that provides the means by which agencies identify their records and determine time frames for disposition*. The result is a *record retention schedule*.

Creating retention schedules involves

1. identifying and inventorying records,
2. appraising records value,
3. determining whether records are temporary or permanent, and

4. determining how long records should be kept before they are destroyed or archived.

Ideally, no vital record would be destroyed or transferred to archives unless it has been scheduled, so the schedule is of critical importance.

Without retention schedules, agencies have no clear criteria to apply to determine when to dispose of records and, to avoid disposing of them unlawfully, may have to maintain them indefinitely. Establishing an approved, official schedule for record disposition is a mainstay of records management and the basis for many other efforts to protect public records.

“Scheduling records, electronic or otherwise, require agencies to invest time and resources to analyze the information that an agency receives, produces, and uses to fulfill its mission. Such an analysis allows an agency to set up processes and structures to associate records with schedules and other information (metadata) to help it find and use records during their useful lives and dispose of those no longer needed.”

Records schedules are content-based and media-neutral. Electronic records, like any other, are classified by content. A retention schedule applies to its intended record, regardless of media.

- Disposition of records involves transferring records of permanent, historical value to secure repositories for archiving and the destruction of all other records that are no longer needed for agency operations.

F. Dual Storage and Off-Site Storage

Using inventories and risk assessments, having selected those records your agency or office has found to be vital, locating them becomes another task to include in the vital records plan. The final selection of sites, facilities, agreements and processes will vary, as with most every other aspect of vital records protection. Following is an overview of considerations for dual storage or off-site storage. IPER materials offer more information on the security copy decision process. The concept of dual storage has

long been applied to records management, both in the public and private sector. Put simply, records vital to the operation of an organization can be protected by placing duplicates in more than one location.

Dual storage includes:

- back-up tapes of financial data kept in off-site storage in another city or county,
- duplicate agency records and data maintained in off-site facilities such as vaults and underground chambers under vendor management and,
- duplicate sets of records kept for sister offices are maintained in an associated building.

Dual storage has its complications:

Expense – Duplication of records, whether on paper or to electronic media (CDs/DVDs) is expensive and time-consuming. Vital records security copies represent a sub-set of agency records, however, whose stability and availability are essential.

Authentication – Public records, by definition, must be authentic in order to serve their purpose. Duplicate sets must be prepared under exacting processes, for the dual storage set may be subject to challenge via legal proceedings which negate their initial purpose. Examples include duplicate deeds, birth/death/marriage certificates and tax records. Documentation of processes used to create dual sets of official records should become part of the index and related records maintained off-site—in this way validating the dual set.

Access – Defining the period of time when use and access to dual storage is acceptable is important. Access to security copies of vital records ideally is limited to only those circumstances defined in a disaster plan. These vital record sets should be secured against use as convenience copies during normal operations.

Additions, Modifications or Destruction – Vital records must be updated on a defined, regular basis, prior to a disaster. Fixed records, like birth certificates or divorce decrees are not at issue. However, property deeds, tax records or meeting minutes all change across time. When events require a record to be modified, or additions made to a paper or an electronic file, the dual set must be amended as well

as the primary record set. When records achieve completion of their useful life and are scheduled for destruction, the dual set must be purged, as well. Documentation of destruction of both sets must be maintained as further support of an authentic records program.

With planning and coordination, the most valuable vital records of an organization can be protected using dual or offsite storage—ensuring the preservation of critical information.

G. Continuity of Operations Plan (COOP)

Disasters and interruptions of normal operations increasingly occur for local government without warning. Preparation prevents these calamities. A Continuity of Operations Plan (COOP) is an umbrella concept covering a suite of preparations intended to limit the impact of a disruptive event. Terms also used to describe this type of planning include disaster preparedness, emergency preparedness and response (or recovery), also business continuity planning.

Recognize that interruption of normal operations does not have to mean the building has been flattened by a tornado. Disruptions can simply be losing electrical power and being unable to override the electronic lock on a vault containing vaccines; or a network server crash taking down the school district website at registration time; or a broken sewer line leaking into the adjacent human resources file room. A disaster list is endless and should include fire, flood, weather events and direct destruction by people (vandalism). The answer to all these is advance planning and documentation. Materials on COOP are available, see the Appendix for resources.

One section of the IPER Essential Records Course presents an overview of the National Incident Management System (NIMS). A number of high level concepts may be appropriate to state or county government disaster preparedness efforts. However, several concepts are key to vital record program effectiveness. A few preparations follow:

Planning – Coordinated planning, training to common standards, and advanced efforts establish interoperability of systems and approaches

Agreements – pre-established arrangements

between partners (inter-agency or inter-departmental understandings, contracts for services and supplies) – can be for computer leasing, telephone or plumbing /electrical services, printing, and copies.

Effective Management of Resources –involves acquisition procedures, management information, and redundant systems, plus protocols for ordering, mobilizing, dispatching, and demobilizing resources.

Acquisition – advanced definition of procedures used for obtaining resources to support operations during an emergency. Ex: contracting, who may draw from existing stocks, small purchase authority, levels of acquisition authority. An integral part of acquisition procedures is developing methods for the handling and distribution of donated resources. Assumes with this are preparations for funds management, as well as access to funds, purchase cards and voucher authority.

Management Information Systems – These systems are used to provide decision support information to managers by collecting, updating, and processing data, and tracking resources. Ex: resource and transportation tracking, inventory management, reporting, geographical information systems, and data collection sites.

Redundant Information Systems – Responsible managers should identify and activate backup systems whenever the primary information system is disrupted or unavailable. Management information systems should also have sufficiently redundant and diverse power supplies as well as communication capabilities.

If possible, the backup storage should not be co-located, and the information should be backed up at least every 24 hours during the incident.

H. Establish a Duplication Schedule for Security Copies

As noted earlier, an essential process to any vital records program is the act of preparing duplicate records / security copies, that are housed at various off-site facilities. These are the records that your offices will draw on when the originals are no longer available due to disaster or emergencies, such as simple gas leaks or burst water lines.

A schedule for the duplication and update cycle for these records must be established and maintained – a primary role of the vital records program.

Electronic Records - Duplication schedules for electronic records are quite straight-forward: Copy the records; move them off site; and rotate the “backup” media, if any, periodically.

For example, IPER recommends for “...essential records in electronic form, complete backup copies should be made daily.

A. Determine Access Priorities

Once your agency has determined which of its records are vital, and is contemplating emergency and contingency plans – who does what when the lights go out as emergency operations begin – the next aspect of vital records planning and management emerges: who gets access to vital records and at what point in time.

Some of these answers emerge in early meetings, because some department heads or senior administrative staffs already have a good understanding of the demands for their services. In other instances, it may be necessary to run through scenarios or templates to establish these details. As with the earlier notion that “all our records are vital!” is mistaken, access should not be made available immediately if records are kept secure.

Table 2: Potential Candidates for Essential Records Status by Category (IPER)

Level	Definition	Access	Examples	Timeframe for Access
Priority 1	Records essential for response and emergency operations, and therefore needed immediately.	Physical protective storage is close to disaster response site for immediate access. Electronic replication methods are available for immediate access of information	Emergency action plan Business continuity plan Vital records manual Current facility drawings Personnel security clearance files	Within the first 0-12 hours
Priority 2	Records essential for quick resumption and continuation of business following an emergency	Physical protective storage is close to disaster recovery site for quick business resumption. Electronic methods are quickly accessible, and backups can be quickly restored.	Current client files In-progress Accounts Payable and Accounts Receivable Research documentation Current contracts and agreements	Within the first 12-72 hours
Priority 3	Records needed to continue essential functions if normal agency information is unavailable for a prolonged period	Physical protective storage is accessible and outside of the disaster area.	Accounts Payable and Accounts Receivable files Existing contracts and agreements Unaudited financial records	Within the first 72 hours

This chart is based in part on ARMA International, ANSI-ARMA 5-2003 Vital Records: Identifying, Managing, and Recovering Business-Critical Records

V. Special Conditions Impacting Public Records

To protect public vital records, government offices should address each area previously noted. That includes inventory, disaster preparation and off-site duplicate storage.

Yet two other areas have special impact upon vital records: discovery and freedom of information.

1. Discovery

This is “Part of the pre-trial litigation process during which each party requests relevant information and documents from the other side in an attempt to “discover” pertinent facts. Generally discovery devices include depositions, interrogatories, requests for admissions, document production requests and requests for inspection.” Discovery requests for records include both paper and electronic formats, including data, email and images.

There is no hiding from discovery; opposing lawyers may demand certain records that you have. You can be nailed with your own data! It is no surprise

that a leading company when seeking a records manager—hired a lawyer. Guard against the inability to produce a record. Both U.S. District and state courts have ruled against public agencies, fining them for failure to disclose all records related to a matter, or for prematurely destroying records (spoliation). The focus here is on record preservation. While planning for vital records, consult general counsel on your agency’s current directions on how to handle records when litigation is anticipated or is in process. See the Appendix for related resources.

2. Legal Holds

Preparation for discovery involves planning/ policy development in order to control records that may be requested by opposing counsel. These processes are called legal or “litigation” holds.

Legal holds involve

- sequestering records to meet certain legal tests
- ensuring that records are not altered during the period of the hold

Legal holds are also defensive

- your counsel can decide that certain records should be placed under hold in anticipation of a lawsuit, not only after a formal discovery request has been filed.

Legal hold processes are impacted by

- type of lawsuit,
- format of the records (electronic or paper)
- whether or not the records are vital (essential to the daily operation of the office where they originate)

Legal holds encompass the entire lifecycle of a legal proceeding—from prior to trial through the period of appeals—sometimes lasting for years. Type/quantity of records eligible for discovery staggers the imagination. Sometimes local governments have to extend records retention periods just to accommodate discovery!

With this in mind, involve Legal in retention schedules. You must know about records; you need legal counsel to safeguard against the specter of discovery, or the call for records that should be there, but aren't, or those that were released when they should not have.

VI. Summary

Records protection, especially of vital records, involves a broad spectrum approach to ensure success. As with other aspects of records management, beginning with the end in mind and acting incrementally provides results that are worth multi-year efforts to achieve.

It is important to protection of public records and information to involve key personnel within management, IT and general counsel, as well as facilities and financial planners, as early in any efforts as possible. Plan to establish administrative controls, including policies, procedures and vital records and continuity of operations plans with directives. When considering off-site or other dual storage solutions be sure to incorporate details discovered during records inventory and scheduling processes. Prepare in advance answers to who gets access when, once vital records repositories are in use.

Remember that other agencies have dealt with or are going through the same processes as your organization—they can prove to be your greatest resources and advocates. Many successful implementations of vital records programs can be identified via networking with COSA, NAGARA and many state archives and records programs. Do not hesitate to reach out to ask for assistance, answers or encouragement. Failing to plan for securing your agency's vital records can literally lead to a disaster. Refer to the Appendix for additional resources and information.

Refer to the Appendix for additional resources and information.

Hard work yields good results. Local government cannot rely on luck – a vital records program leaves nothing to chance. Just do it, and sleep well at night.

VII. Appendix

1. Resources

Handouts for IPER Essential Records Course - IIMC
Handout 1.2 - NIMS Resource Management Concepts
and Principles

[http://rc.statearchivists.org/Content/IPER-Courses/
Essential-Records-ER-Webinar/Handouts-for-IPER-
Essential-Records-Course.aspx](http://rc.statearchivists.org/Content/IPER-Courses/Essential-Records-ER-Webinar/Handouts-for-IPER-Essential-Records-Course.aspx)

ARMA International – www.arma.org

The Generally Accepted Recordkeeping Principles©
or GARP. <http://www.arma.org/GARP/>

The Glossary of Records and Information Manage-
ment Terms, 3rd edition

The International Institute of Municipal Clerks
(IIMC). www.iimc.com/

IIMC Records Management Bulletin Series

National Association of Counties (NACo).
www.naco.org/Pages/default.aspx

National Association of Government Archives and
Records Administrators – NAGARA.
www.nagara.org/

Federal Emergency Management Agency, FEMA.
www.fema.gov

Vital Records page - [www.ready.gov/insurance-vital-
records](http://www.ready.gov/insurance-vital-records) with a link to their Emergency Financial
First Aid Kit, FEMA 532/August 2005 (Revised
December 2010)(pdf)

National Incident Management System, Resource
Management, [www.fema.gov/emergency/nims/Re-
sourceMngmnt.shtm#item5](http://www.fema.gov/emergency/nims/ResourceMngmnt.shtm#item5)

The Emergency Management Assistance Compact
(EMAC).
www.emacweb.org [http://www.emacweb.org/index.
php?option=com_content&view=article&id=80&Ite
mid=256](http://www.emacweb.org/index.php?option=com_content&view=article&id=80&Itemid=256)

Model Intrastate Mutual Aid Legislation, the Na-
tional Emergency Management Association, funded
by FEMA and US Department of Homeland Security,
March 2004.
[www.emacweb.org/index.php?option=com_&
view=article&id=82&Itemid=60](http://www.emacweb.org/index.php?option=com_content&view=article&id=82&Itemid=60)

Interstate Mutual Aid and Assistance: EMAC
Tips for the Water Sector (working with EPA)
[www.emacweb.org/index.php?option=com_
pollybrowser&Itemid=275#](http://www.emacweb.org/index.php?option=com_pollybrowser&Itemid=275#)

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NAGARA.

Cusack, Michael. Massachusetts Municipal Associa-
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[www.mma.org/municipal-government/4565-informa-
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Kahn, Randolph. (2010) *Information Lifecycle Governance (ILG)* Information Governance Brief: Kahn Consulting Inc.

This article was background to Section V. Special Conditions Impacting Public Records, especially Legal Holds.

Mason, Stephen, "Authentic Digital Records: Laying the Foundation for Evidence" *The Information Management Journal*, ARMA International. September/October 2007, pg 32-40

This article explains the processes of evaluating electronic records and how closely aligned the steps are for both paper and electronic records.

McLemore, Dustin Dru (2008). *A Model Records Management System for Texas Public Utilities: An Information Science Tool for Public Managers*. Applied Research Projects, Texas State University-San Marcos. Paper 275. <http://ecommons.txstate.edu/arp/275>

This excerpt (pages 46-47) is an example of a public agency approach to implementing records management and steps to achieving vital records protection.

Saffady, William. (2009) *Managing E Records*, 4th edition: ARMA International.

Wood, David J. (2011) *Assessing IT Governance Maturity: The Case of San Marcos, Texas*. April 1, 2011. Texas State University-San Marcos, Dept. of Political Science, Public Administration Program. <https://digital.library.txstate.edu/handle/10877/3492>

Matching Content Lifecycle to Storage. October 18, 2010. Oracle Corporation. prsync.com
<http://prsync.com/oracle/matching-content-lifecycle-to-storage-33664/>

This supplements the section on Dual Storage.