The State Records Act and Electronic Records

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Electronic Records Archivist
Illinois State Archives

Outline

- The State Records Act & Records Management

- Introduction to E-records

- Dealing with E-communications

- Illinois Administrative Code

- Long-term E-records Management

- Additional Resources

The State Records Act (5 ILCS 160)

- Covers all state agencies

- Defines what is considered a "Public Record"

- Establishes authority of State Records Commission

- Records must be accessible to public

- All records disposed of per approved schedule

Record Retention Schedule

- "Application for Authority to Dispose of State Records"
- Lists all agency records, retention periods
- Needs periodic updating
- File Records Disposal Certificate 30 days prior to destruction
- DOES NOT allow destruction without Commission approval
- Pending or active litigation halts process

FOIA and Records Destruction

- If a record exists, it is subject to FOIA

- *Even if*:
  - It is past its scheduled retention period
  - A disposal certificate has been filed
  - A disposal has been approved but the actual destruction has not yet taken place.

Secretary of State
Local Records Unit
Margaret Cross Norton Bldg.
Springfield, Illinois 62756
Telephone (217) 782-7076

Local Records Commission
Of Cook County, Illinois

APPLICATION FOR AUTHORITY TO
DISPOSE OF LOCAL RECORDS

Application No.   27:079C

Page 1 of 25

AGENCY
Metropolis Police Department

ADDRESS
1 Fortress of Solitude way

CITY
Metropolis

ZIP
60712

PHONE
(555)555-5555

Approval:
Local Records Commission
of Cook County, Illinois
County Building – Room 801
Chicago, Illinois 60602
(312) 603-7832

Martha Martinez

Chairman

David A. Joens

Director, State Archives

June 11, 2013

Date

I hereby request authority to dispose of local government records according to the schedule below. I certify that any microfilm or digitized copies will be made in accordance with the standards of the Local Records Commission of Cook County and will be adequate substitutes for the original records.

Clark Kent   *September 7, 2013*
Signature of Agency Head   Date
Clark Kent, Director

Application Number

LRC Approval

Agency Head Certification

RECORDS LISTED ON THIS APPLICATION MAY BE DISPOSED OF:

- After their individual retention period is complete,
- If they are correctly listed on a Records Disposal Certificate submitted to and approved by the Local Records Commission of Cook County sixty (60) days prior to disposal,
- Providing any local, state, and federal audit requirements have been met,
- As long, as they are not needed for any litigation either pending or anticipated.

THIS RECORDS RETENTION SCHEDULE DOES NOT RELIEVE LOCAL GOVERNMENT AGENCIES OF RETENTION REQUIREMENTS MANDATED BY OTHER STATE AND FEDERAL STATUTES AND/OR REGULATIONS. WHEN SUCH AN OBLIGATION DOES EXIST, THEN THE LONGER RETENTION PERIOD TAKES PRECEDENCE.

ANY RECORD ON THIS APPLICATION MAY BE MICROFILMED OR DIGITIZED AND THE RECORD DISPOSED OF IF THE RECORD IS MICROFILMED OR DIGITIZED IN ACCORDANCE WITH THE STANDARDS OF THE LOCAL RECORDS COMMISSION OF COOK COUNTY AND IF THE FILM OR DIGITIZED RECORD IS RETAINED FOR THE PRESCRIBED RETENTION PERIOD.

DISPOSAL OF RECORDS AFTER MICROFILMING OR DIGITIZING
MUST BE NOTED ON THE RECORDS DISPOSAL CERTIFICATE.

THIS APPLICATION AND ANY RELATED RECORDS DISPOSAL CERTIFICATES
ARE TO BE RETAINED PERMANENTLY.

LOCAL RECORDS DISPOSAL CERTIFICATE

APPLICATION NO.	27:079C
COUNTY:	Cook
AGENCY:	Metropolis Police Department
STREET ADDRESS:	1 Fortress of Solitude Way
CITY & ZIP CODE	Metropolis 60712
TELEPHONE:	(555)555-5555
CONTACT PERSON	Clark Kent

Application Number

MAIL TO:
Cook County Local Records Commission
Margaret Cross Norton Bldg.
Capital Complex
Springfield, Illinois 62756
(217) 782-7075

Directions:

1. Fill in all blanks and columns using your Application For Authority to Dispose of Local Records as a guideline.
2. Sign and send the Disposal Certificate to the address above sixty (60) days prior to the disposal date.
3. Retain records and a copy of this Disposal Certificate until the approved copy is returned.

Note: Please Retain the approved copy of this Disposal Certificate permanently, with your Application for Authority to Dispose of Local Records.

Records to be destroyed

APPLICATION ITEM NO.	RECORD SERIES	INCLUSIVE DATES	CUBIC FEET TO BE DISPOSED
405.	Bids, Specs & Proposals (Unsuccessful)	2005-2008	1.5 Cu. Ft.
405.	Bids, Specs & Proposals (Successful)	1992-2002	Neg.
423.	Purchase Orders & Requisitions	2007-2009	Neg.

Certification of Digitization or Microfilming

If any of the above records are filmed , I hereby certify that the film on which the records were reproduced complies with the standards given in Sections 4000.50 and 4000.60 of the Regulations of the Local Records Commission. If records are digitized, I certify that the original is reproduced accurately and legibly in all details in a medium that does not permit additions, deletions, or changes to the images.

I hereby certify that in compliance with authorization received from the Local Records Commission the records listed above will be disposed of on or after the following date:

November 21, 2013

This date should be 60 days after the date of signature

X _____

(Signature required only if records have been microfilmed or digitized).

X *Clark Kent*   *Aug 10, 2013*
SIGNATURE   **ENTER CURRENT DATE HERE**

Clark Kent, Director

Please print name and title on the line above

What are Electronic Records?

- Any record that is created in or converted to an electronic format, and is stored in an electronic environment

- *May* include: text documents, still images, spreadsheets, audio recordings, video recordings, emails, website content, social media posts, text messages
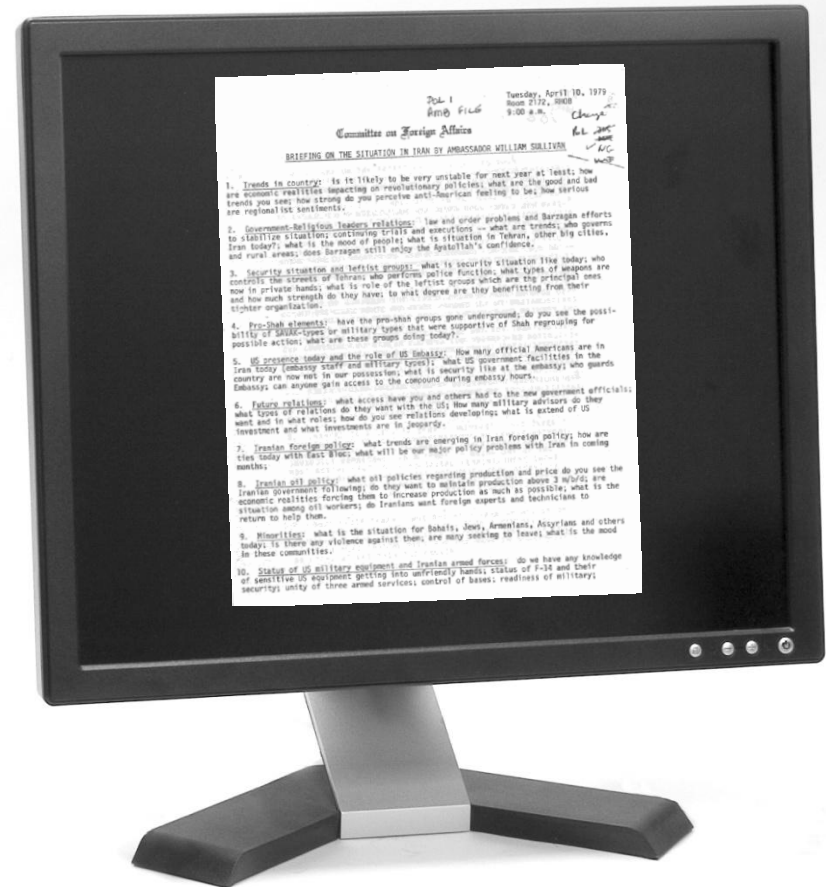
Record on Paper = Record on the Computer

Advantages of E-records

- Accessibility
  - Fast
  - Simultaneous access from multiple users
  - Remote locations
- Searchability
  - Full text, key words, headings
- Replicability
  - Perfect copies

Disadvantages of E-records

- Requires machine to interpret
  - Paper just needs eyes and language
- Accelerated lifecycle
  - Rapid obsolescence, higher maintenance
- Exponential volume growth
  - Too many records, not enough infrastructure
- Easy to alter
  - How to prove a record is real?

Keys to Trustworthy E-records

- **Reliability**
  - Comes from trusted source
  - Product of established business actions
  - Achieved through:
    - Agency authority and documented workflows

Keys to Trustworthy E-records

- **Integrity**
  - Has not been altered or deleted
  - Achieved through:
    - Limited and controlled access to records
    - Logs of any changes made

Keys to Trustworthy E-records

- **Authenticity**
  - It is what it claims to be
  - Achieved through:
    - Assurances of Reliability and Integrity
    - Unbroken chain of custody

Let's Talk Metadata!

- Textbook definition: "Data about Data"

- We already create and use it in the paper world
  - Just doesn't have a fancy name

- Information that helps us understand and use something

E-Communications

- Email
- Text Messages (SMS)
- Instant Messages
- Social Media

These can all be records if used to conduct official business

Library of Congress Photo Collection

Non-Record E-Communications

- Transitory Messages
  - Short-term value
  - Do Not: set policy, establish guidelines or procedures, certify a transaction or become a receipt
- Examples:
  - Meeting reminders
  - Non-business related correspondence
  - Copies of event announcements
  -

Email (AAAAAAGH!)

- Exploding volume
- IT policies often control deletion
- A lot of it *is* record material
- Attached documents may be records as well

- How to schedule?
  - Existing retention schedules apply
  - **Content** of record, not format, important
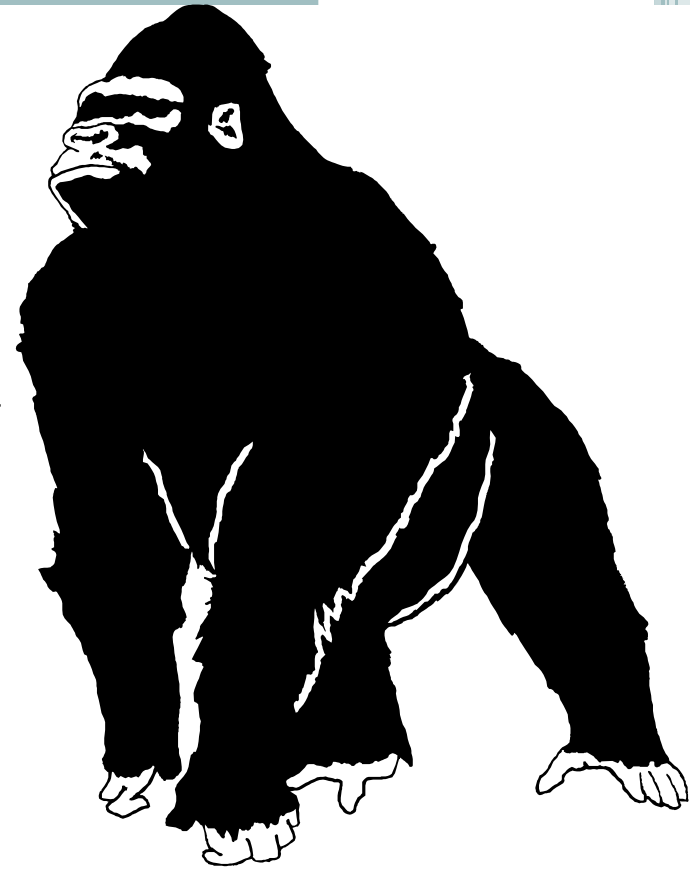
A Systematic approach to Email

- Two-tier approach
- Tier 1: Series-level sorting, more granular
- Tier 2: Account-level capture, bulk rules

Tier 2: Top Management

Tier 1: Most Employees

Managing Email: Tier 1

- Identify
  - Know thy retention schedule
  - Identify functions of employees and likely communication content
- Sort
  - Clean out transitory messages
  - Categorize messages into appropriate series
  - Retain record emails for appropriate period of time, then dispose of them

Managing Email: Tier 2

- Identify level where to apply
  - ▫ Agency head? Department head? Unit supervisor?

- Identify longest likely retention for that account
  - ▫ Based on schedule

- Keep all emails for maximum retention
  - ▫ Dispose of per normal process at that time

Text Messages

- Who holds them?
  - Probably not you

- How long are they retained?
  - Weeks-months, no more

- Must control through policy
  - "Substantive business-related discussions are not to take place via SMS"

Social Media

- Facebook, Twitter, Tumblr, Google+, Blogs, etc.
  - Is it an official account of the agency?
  - Is the content unique?
  - Generally treated like press releases/publications

- How do you capture it?
  - Built-in mechanisms (Twitter)
  - Compose and control locally

Illinois Administrative Code

- 44 ILAC 4400 – Updated in 2013

- Lists requirements for:
  - Constructing and submitting the Schedule
  - Disposing of records
  - Reproducing records on microfilm
  - Digitization of paper records
  - Management of electronic records

ALL Electronic Records Must...

- Be accessible for entire length of retention

- Be stored on approved storage media

- Have at least two copies, backed up appropriately

- Be properly identified and indexed

Permanent records must also be stored in a system that..

- Maintains critical metadata and captures new metadata for changes and migrations
- Maintains classification schemes of records
- Prevents unauthorized changes or deletions
- Can accommodate format migration of records
- Maintains all crucial documentation for life of system

IF agencies are unable to meet the requirements for management of permanent e-records then they **MUST** maintain records additionally in paper or microfilm

wiseGEEK

Considerations for the Long Haul

David Connolly
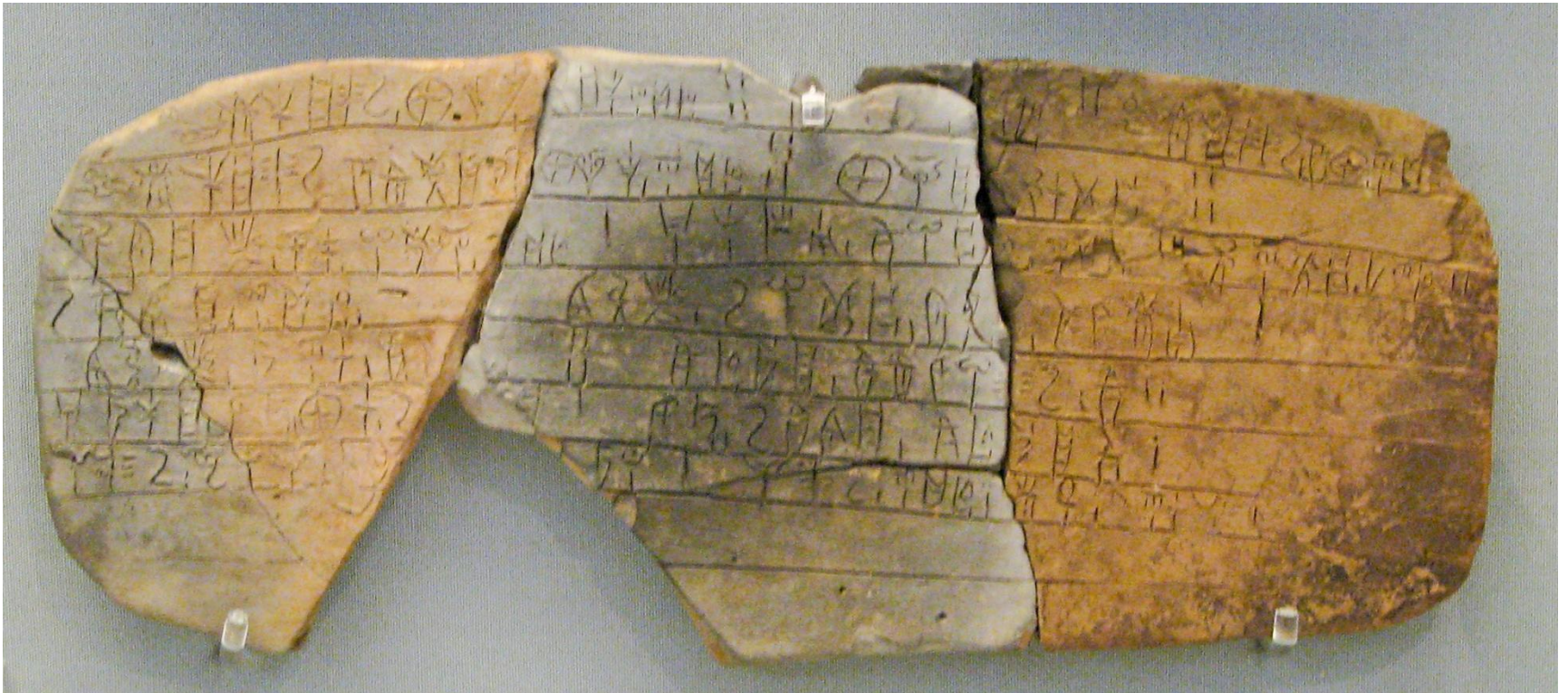
Storage Considerations

- Storage Media
  - Optical media*, thumb drives (short term only)
  - Hard drive, Magnetic tape or RAID setups
  - Cloud services
- File Formats (see document)
  - Stable, non-proprietary
  - Widely used
  - Unencrypted
  - Scanned: PDF, PDF/a, TIFF

Management Considerations

- Retention requirements
  - Worth digitizing short-term records?
  - Migration
- Access frequency
  - Online, Nearline, Offline
- In-house vs. vendor
  - Costs, expertise, security
- Disaster planning
  - One copy is no copy, one place not safe

Further Resources

- *Quick Tips for E-mail Management*

- *E-mail Management Tips for Administrators*

- *Sustainable Formats for Electronic Records*

- *Decision Tree for Scanning Projects*

Contact Information

Records Scheduling:

Illinois State Archives
State Records Section
217-782-2647
www.cyberdriveillinois.com
- Departments
  - Illinois State Archives
    - State and Local Records
      Management

Electronic Records:

Kris Stenson
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Illinois State Archives
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kstenson@ilsos.net