Appendix A: Record Management for Public Agencies

“The People’s Records”
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[Editor’s Note: The following is a comprehensive discussion of the common issues a public records custodian faces in managing a public records system. We believe this information will prove useful to the diverse public offices that utilize this guidebook. We express our deepest gratitude to the author of this appendix, Bob Schultz, for his continued and valuable contribution to Betty Montgomery’s efforts to ensure openness in Ohio government.]

In today’s ever changing and fast paced business environment, success or failure can be measured by how well a public agency manages information. Information, whether it is created, received or sent, documents the administration and management of your agency. Every workday information is created or obtained from many sources, using many different types of technologies. Paper, computer, magnetic tape, microfilm, and imaging, just to mention a few, represent examples of media types for information.

WHAT IS RECORDS MANAGEMENT? Record management is an integral part of information management. Sound record management protects an organization from litigation and ensures regulations compliance. It provides a living “collective memory” that can be used to improve business practices. The process of record management involves maintenance issues relating to the many media types

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in which records are created. These issues become more complex when balanced against the internal and external requirements faced by public agencies concerning information or knowledge management. Today, record management responsibilities are one of the most challenging aspects for public agencies.

**ARE THERE STATE LAWS AFFECTING RECORDS MANAGEMENT?** Yes. Chapter 149 of the Ohio Revised Code sets forth a number of requirements affecting the management of records maintained by public agencies. Additionally, there are more than 215 references within the Ohio Revised Code that affect the release of specific types of information or records that a public agency might maintain.

**PUBLIC ADMINISTRATION REQUIRES SOUND BUSINESS PRACTICES.** A well-managed records system will contribute in many ways to the operation and public perception of local, county and state government. These contributions can be found in the fiscal, administrative, personnel and general operations and functions of the agency it serves. A well-maintained records system ensures that time and money are not wasted maintaining unnecessary records, while at the same time preserving the rights and heritage of Ohioans. Without a sound records system, citizens will be unable to determine if their tax dollars are being spent wisely and properly.

**WHAT COMPRISSES A GOOD RECORDS SYSTEM?** A records system is comprised of many essential elements. Some of these elements originate from state law, while others are derived from good management practices. Several of the essential elements are an “educated staff,” “a current inventory of the records maintained,” “a Schedule of Records Retention and Disposition,” and “written record and document management guidelines.”

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HOW CAN I DETERMINE IF MY AGENCY IS MEETING ITS LEGAL REQUIREMENTS FOR RECORDS MANAGEMENT? Locate and determine the status of your local record commission. Ohio Revised Code sections 149.38 (Counties), 149.39 (Municipal Corporations), 149.41 (School Districts), and 149.42 (Townships) govern local record commissions. You might want to review the most current Ohio Auditor of States Audit Report for your agency. This report may contain comments concerning meetings of the local record commission. State law requires the record commission to meet at least once every six months for municipal and county commissions while townships and school districts must meet at least once a year. Check to see if your agency has an approved Schedule of Records Retention and Disposition (RC-2). This can be accomplished by checking with your local record commission or contacting a representative of the Local Government Records Program of the Ohio Historical Society. If your agency has one, when was the last time it was updated?

EDUCATION

Education and training are essential for proper record management. Chapter 149 of the Ohio Revised Code titled “DOCUMENTS, REPORTS, AND RECORDS” includes many sections that affect the proper management of records. Chapter 1347 of the Ohio Revised Code titled "PERSONAL INFORMATION SYSTEMS" includes many sections that impact record management for public agencies. Public officials, administrators and employees must receive continuing training to prepare themselves for the numerous responsibilities they face. Public officials need only look to the definition of “RECORDS,” as set forth in section 149.011(G) of the Ohio Revised Code, to gain an appreciation of the importance for training and education.

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“RECORDS” includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Section 149.30 of the Ohio Revised Code (Performance of Public Functions by the Ohio Historical Society) directs that the Ohio Historical Society shall act as the archives administrator for the state and its political subdivisions as provided in sections 149.31 to 149.42 of the Revised Code.

The Ohio Historical Society has developed a Local Government Records Program to assist and help local governments with their record management responsibilities. To find out more from the Ohio Historical Society contact the Local Government Records Program of the Ohio Historical Society.

**GETTING STARTED**

Suppose you are assigned the challenging task of developing or updating the Schedule of Records Retention and Disposition (RC-2) for your agency, where do you start? The following are the basic steps as recommended in the Local Government Handbook by the Ohio Historical Society.

1. **Activate Records Commission.** The members of local record commissions are designated by applicable law and are required to meet in accordance with that law.

2. **Designate a Records Officer in Each Department.** It is most effective if a single person in each department is

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responsible for all aspects of record retention and disposition within that department.

3. Conduct a Complete Records Inventory. An inventory of the records holding of all public offices and agencies is the essential first step in creating a sound records program. The main purpose of the inventory is to identify and describe the records types or series maintained by each office. A “records series” is defined as a sequence of records systematically classified and filed, or as a group of records created for a specific activity or function. On Aug. 7, 1998, the Local Government Records Program of the Ohio Historical Society issued new guidelines for records with more than one media type. Under the new guidelines public agencies are required to list common records which are maintained on different media types separately on the Schedule of Records Retention and Disposition. These changes also affected the requirements for submitting a Certificate for Records Disposal (RC-3).

For those instances when public agencies are preparing to dispose of records of one media type that are still maintained in another media type, the certificate requires additional information. The revised certificate requires information, which reports that although a record series is about to be disposed of, it is still maintained in another media type.

For each record series, the inventory should include its office of origin, location, information content, inclusive dates, frequency of use and purpose.

A common example of a record series would be motor vehicle accident reports or investigations. The Bureau of Motor Vehicles supplies several different types of preprinted forms to accomplish and document a motor vehicle traffic accident. Rather than listing each form
separately on your Schedule of Records Retention and Disposition, you list the record series “Traffic Accident Investigations.”

Begin the inventory process by involving other staff members who work with records as part of their job. Select a staff member from each functional area of the agency. These staff members should be familiar with the records in their area and be able to complete the inventory process more accurately. Once the office or functional areas are completed, the same staff members should be assigned the task of conducting the inventory of records maintained in the storage areas. Use one inventory form for each record series in each location. Note location not only by room, but also by storage unit. The completed inventory provides a ready guide to the location of those records that are going to be disposed of and those to be retained.

4. Determine a Retention Period for Records Created by Each Department. A retention period, the lengths of time records are kept, is determined by assessing four values for each record series: administrative, legal, fiscal and historical.

A. A record has **ADMINISTRATIVE VALUE** if it is used by the office or agency to carry out its duties. Administrative value is based on how often and for how long the record is used by office personnel, and whether a program would be jeopardized upon disposal of the record. Retain records as long as they have administrative value.

B. A record has **LEGAL VALUE** if it documents or protects the rights or obligation of citizens or of the agency that created it. Retain records having legal value until all the legal rights or obligations expire.

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C. A record has **FISCAL VALUE** if it pertains to the receipt, transfer, payment, adjustment or encumbrance of funds, or if it is required for an audit. Retain records as long as they have fiscal value.

D. A record has **HISTORICAL VALUE** if it documents an agency’s organization, policies, decisions, procedures, operations, or other activities, or if it contains significant information about people, places or events. Historical value is determined through the process of appraisal. Appraisal is the process of determining the value and the disposition of records based upon their current administrative, legal, and fiscal use; their evidential and informational value; their arrangement and condition; their intrinsic value; and their relationship to other records.\(^1\) Retain historical records permanently.

Retention periods are determined and expressed in one of three ways:

- In terms of time (e.g., “retain four years” or “retain permanently”).
- In terms of an event or action (e.g., “retain until audited” or “retain until case closed”).
- In terms of both (e.g., “retain six months after audit” or “retain three years after case closed”).

A retention period may be subdivided: “Retain in office five years, then retain in storage area for five more years, then destroy.”

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\(^1\) Excerpt from Ohio Historical Society’s website. Added to text by editors, not by the appendix’s author, Bob Schultz.

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In determining the proper retention period for your records, these are three resources:

A. Published by the Ohio Historical Society, *The Ohio Municipal Records Manual* is designed to aid city and village officials in the retention and disposition of the records they create and maintain. This manual is subdivided into various functions that correspond to the normal functions of these types of governments.

B. Published by the Ohio Historical Society, *The Ohio County Records Manual* is designed to aid county officials with the retention and disposition of county records.

C. Published by the Ohio Historical Society, *The Ohio Township Records Manual* is designed to aid township officials with the assigning proper retention periods for their public records.

When determining a proper retention period there are many considerations. Today, many public sector labor contracts seek to establish retention periods for certain types of records. Administrators must use caution. Public agencies are subject to many state and federal guidelines whose compliance is established by documentation. Public agencies should always maintain adequate records to ensure they are meeting appropriate state and federal guidelines.

Another major challenge facing administrators of record systems begins with the lack of control over the creation of new forms or records. Often when new services are provided or to meet changes in policy or procedure, staff members create forms or records to document the new changes. These new records may have created a new series of records, therefore these changes need to be added to your current Schedule of Records Retention and Disposition (RC-2).

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If your agency is a state agency you should keep in mind Ohio Revised Code section 149.34 (Records Management Procedures for All State Agencies) when dealing with the creation of new records. New forms may be new records. These records should be added to you agency’s current records inventory and an addendum to your Schedule of Records Retention and Disposition must be made.

As part of the inventory process, agencies may consider creating a forms manual for all the records that they create and use in their operation. By including this within the inventory process, an agency may save itself many hours in dealing with maintenance and control of required forms and reports.

Once the inventory process is concluded, a complete review should be conducted. This review should include determining what records need to be maintained and for how long, and what records are to be destroyed or transferred.

5. Prepare Retention and Disposal Lists. Local government records may be destroyed or transferred only in accordance with sections 149.351, 149.38 (Counties), 149.39 (Municipal Corporations), 149.41 (School Districts), or 149.42 (Townships) of the Ohio Revised Code. Such an action involves either the preparation of a Schedule of Records Retention and Disposition (RC-2) or an Application for One-Time Records Disposal (RC-1). These forms may be obtained from the appropriate regional network center or by contacting the Local Government Records Program of the Ohio Historical Society.

The Schedule of Records Retention and Disposition (RC-2), when completed and approved, is one of the most important documents that a public agency maintains. A well prepared and thought out Schedule of Records Retention and

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Disposition (RC-2) provides the continuing legal authority for public agencies to dispose of their records.

One of the initial requirements in the preparation of the Schedule of Records Retention and Disposition is creating a SCHEDULE NUMBER. This number should allow a convenient reference in determining when a records series was first documented, such as using the last two numbers of the year [ex: 95...]. This portion of the SCHEDULE NUMBER should be followed with some type of numeric designation that separates this record from another record series [ex: 9500123].

Once your agency has completed an inventory of all the records and prepared a Schedule of Records Retention and Disposition (RC-2), the two documents should be compared. It is very important to understand that the Schedule of Records Retention and Disposition only needs to document those records that are currently being used in the normal operation of the agency. This differs from the contents of the inventory, which contains all the records currently being stored or maintained by the agency.

From the comparison of the inventory and the Schedule of Records Retention and Disposition, an agency may develop and submit an Application for One-Time Records Disposal (RC-1). This process permits an agency to remove and destroy many old records that are no longer of any value. Public agencies should always guard against disposing of records that have a potential historical significance. Public agencies are encouraged to seek assistance from the Ohio Historical Society prior to the disposal of any records with historical significance or value.

6. Submit Schedules or Applications to Records Commission. Provide the commission with the original and
two copies of each form, and retain a third copy in your office until an approved copy is returned.

7. Obtain Approval from Auditor of State and Ohio Historical Society before Records Disposal. The Schedule of Records Retention and Disposition (RC-2) is normally prepared from the information collected during the inventory process. Once a public agency prepares their Schedule of Records Retention and Disposition (RC-2), they must forward it to their records commission for review and approval. After obtaining approval from the records commission, the proposed Schedule of Records Retention and Disposition (RC-2) must be forwarded to the Local Government Records Program of the Ohio Historical Society for review and approval. This review process may take up to 60 days to complete.

8. Prepare a Certificate of Records Disposal. Before disposing of or transferring any record, a Certificate of Records Disposal (RC-3) must be prepared and copies forwarded to the Ohio Historical Society – Local Government Records Program for review. Prepare and send this RC-3 a minimum of 15 business days BEFORE the proposed disposal date. The Certificate of Records Disposal (RC-3) serves as the official record of the actual disposal.

It is recommended that you consult with your local record commission before the actual destruction of any records that are managed by your agency’s Schedule of Records Retention and Disposition (RC-2). This process may be accomplished by providing your local records commission with a copy of the Certificate of Records Disposal (RC-3) for those records you intend to destroy.

9. Dispose of Records in Accordance with Approved Schedules or Applications. Once all appropriate authorities have reviewed and approved the various retention and

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disposal documents, destroy or transfer those records when they reach the end of their assigned retention period.

10. Maintain a Central File of All Documents. A Central File serves as the official record of all actions taken by the record commission with your agency. This file should include copies of all schedules, applications, and certificates of records disposal approved or received by your agency. It is important that persons who have responsibility for maintaining public record systems understand the role of the Ohio Historical Society. The Ohio Historical Society functions as the Archives Administration for the State of Ohio pursuant to section 149.31 of the Ohio Revised Code. This section specifies that records cannot be transferred or disposed of to other public or quasi-public entities without a written agreement between the Ohio Historical Society and the entity receiving the records.

**RECORDS STORAGE**

Many records, because of their relatively short retention periods, will be disposed of directly from the office. Others will be retained in storage areas long after being removed from the office. Records that are to be stored for extended periods of time prior to disposal require special storage conditions so that they will not rapidly deteriorate or suffer damage from fire, flood, or theft. Even greater care must be given to historical records that will be retained permanently.

If large quantities of records are to be stored, dedicate a specific area to serve as a records center. With proper care, such a storage area will protect records from deterioration caused by excessive heat and humidity or by vermin.

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2 Section copied from Ohio Historical Society’s website. Added to text by editors, not by the appendix’s author, Bob Schultz.

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infestation. With proper safety precautions, stored records will be relatively safe from fire, flood, or theft.

An ideal records center will have temperature and humidity controls that maintain 40 percent - 50 percent relative humidity and a temperature range of 60°F-70°F Fahrenheit. The controls will be set to prevent excessive and short-term fluctuations in temperature and humidity. This storage area will be equipped with metal shelving, standard-sized storage boxes, fire alarms and extinguisher, and an intrusion alarm system. If microfilm is to be stored, the area will also have appropriate metal cabinets.

Unfortunately, most political subdivisions are unable to provide this ideal environment. In such cases, make every effort to store records in standard-sized boxes at least six inches above the floor in a cool, dry, and fire-resistant room that can be kept locked against unauthorized entry. Inexpensive exhaust fans and portable dehumidifiers will help to maintain an environment suitable for records storage. Vital records--those essential to the continued operation of an agency in case of emergency--require the safest and most secure storage area possible, preferably in a building separate from the office operation. Similarly, security copies of microfilm must be kept in a separate location (see section 9.01 Ohio Revised Code).

State law (section 149.43 Ohio Revised Code) requires that all public records be made available for inspection to the public during regular business hours. Well-planned and orderly records storage will ease compliance with this statutory requirement.

**DISASTER PREPAREDNESS AND RECOVERY**

3 Section copied from Ohio Historical Society’s website. Added to text by editors, not by the appendix’s author, Bob Schultz.

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Every year there are instances of damage to important government records by both natural and man-made disasters. There are basic precautions to take that will lessen the damage to records in the event of a disaster.

- Keep records storage areas clean and orderly. DO NOT STORE RECORDS IN A LEAKY BASEMENT OR ATTIC;
- Store records at least six inches above the floor;
- Build firewalls around storage areas;
- Use non-combustible materials in vault construction;
- Install smoke and water detectors that are connected to a central alarm system;
- Inspect wiring regularly;
- Keep fire extinguisher in records storage area;
- Prohibit smoking in storage areas;
- Store vital records in a separate building.

A critical part of any records management program is a written disaster recovery plan. Appoint key staff members to draw up a plan for recovery from a disaster. Provide them with a list of all vital records and their locations. Study techniques for the recovery of water or fire-damaged records. Investigate resources in the community and prepare a list of supplies and suppliers of items needed in a recovery effort such as fans, dehumidifiers, blotting paper, and plastic boxes. Locate and be familiar with the use of fire.
extinguishers and water shut-off valves. Stores copies of the disaster recovery plan off-site and provide copies to key staff members to keep at their homes. Should a disaster happen to your office, contact the OHS Local Government Records Program Staff, Columbus, as soon as possible, for assistance.

ESTABLISH A RECORD AND DOCUMENT MANAGEMENT GUIDELINES

In order to establish and maintain trust with the citizens we serve, we should establish written policies that control the management of the records and documents under our control. These controls must provide the public access to your public records. Whether dealing with the news media, business leaders or local citizens, public officials who are trusted with maintaining records must not prevent lawful access to them.

These guidelines should define those normal business hours when records are available for inspection and to how to obtain copies, the most common types of records that are NOT subject to public inspection and the manner in which your agency redacts restricted information from records before their release to the public.

The guidelines should explain why certain information is allowed to be obscured or erased from a public record. A complete explanation may prevent unnecessary legal fees and problems. When restricting access to some information contained within a record, the requesting person should be informed that this was undertaken in accordance with either state or federal law.

A requester should never be left to believe that they are being denied access to information for some personal reason. A complete record and document management program must provide an explanation of this process.

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Upon request, a person responsible for record management shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, government units shall maintain their records in such a manner that they can be made available for inspection in accordance with this division. To ensure equal access to all, record management systems must be maintained in a manner that is compliant with federal guidelines established under the Americans with Disabilities Act.

**CONCLUSION**

It is important that public officials, who are entrusted with the maintenance and preservation of records, obtain continuing education on record management and maintenance issues. Public officials should strive to provide continuing and ongoing education to all members of their agencies involved with information and record management.

Public agencies must never lose sight of the fact that they are maintaining these records as part of their service to the public.

**RESOURCES**

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