

Welcome to

ESDs and Records

Last Monday Webcast
Texas State Association of Fire and
Emergency Districts (SAFE-D)
September 30, 2013

Texas State Library and Archives Commission
State and Local Records Management Division

P.O. Box 12927, Austin, TX 78711-2927
(512) 463-7610 | slrminfo@tsl.state.tx.us
<https://www.tsl.state.tx.us/slrsm>


Objectives:

By the end of the webcast you should be able to....

1. Understand state laws and rules for records management
2. Understand why records management is important
3. Determine how long to keep your records
4. Know what records to keep on destruction
5. Get into compliance with the Local Government Records Act

About TSLAC

- ▶ Records Management Assistance
 - ▶ 6 Government Information Analysts
 - ▶ 150 state agencies
 - ▶ 10,000+ local governments
 - ▶ Consulting and Training
 - ▶ Retention, destruction, imaging, managing email, disaster preparedness and recovery...
 - ▶ Retention Schedule Reviews/Development



Records Management Assistance

TSLAC Website

▶ Records Management Services for Government Agencies:

<https://www.tsl.state.tx.us/slrn/>

- ▶ Publications
- ▶ Forms
- ▶ Retention schedules
- ▶ Training materials
- ▶ Contact information



WHAT IS RECORDS MANAGEMENT? (and why bother?)

Why do we have RM laws/rules?

Open Meetings Act
(Government Code Chapter 551)



Public Information Act
(Government Code Chapter 552)

Local Government Records Act
(Local Government Code Chapters 201-205)

Local Government Records Act

- ▶ Effective & economic government operations
- ▶ Preserve records of permanent value
- ▶ Establish standards and procedures

Local Government Code, Chapters 201-205

Local Government Records Act



- ▶ Bulletin D
 - ▶ Definitions
 - ▶ Local authority
 - ▶ Role of Records Management Officer (RMO)
 - ▶ Compliance requirements
- ▶ <http://bit.ly/bulletind>

Why Records Management?

- ▶ Legal requirement
- ▶ Timely response to inquiries
- ▶ Efficiency
- ▶ Records protection
- ▶ Timely disposition
- ▶ Cost reduction
- ▶ Legal protection



Can't we just keep everything?

- ▶ There are consequences of keeping things too long...
 - ▶ Storage costs (physical & electronic)
 - ▶ Time spent on retrieval
 - ▶ Responsibility for protecting records
 - ▶ Legal risk



Can't we just get rid of it all?

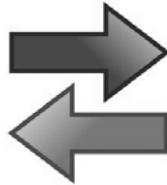


- ▶ ...And for not keeping them long enough...
 - ▶ Class A Misdemeanor
 - ▶ Third Degree Felony
 - ▶ Criminal penalties and fines under the Public Information Act

RECORDS RETENTION

Local Government Record

- ▶ Documents the transaction of public business
- ▶ Is created or received by a local government
- ▶ Is a record whether it is open or closed
- ▶ May exist in any medium



“Non-Records”

- ✦ **Convenience copies:** “Extra identical copies of documents created only for convenience of reference or research” (Local Government Code §201.003(8)(A))
- ✦ Copies of documents furnished to the public as part of a Public Information Act request



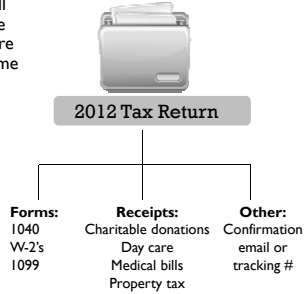
“Non-Records”

- ✦ Blank forms/stocks of publications
- ✦ Library or museum materials



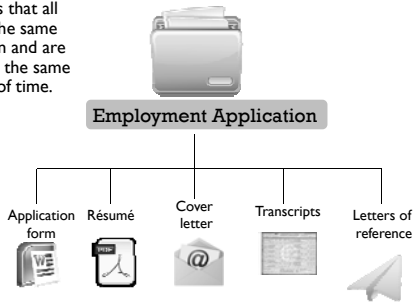
Record Series

▶ A grouping of records that all serve the same function and are all kept the same length of time.



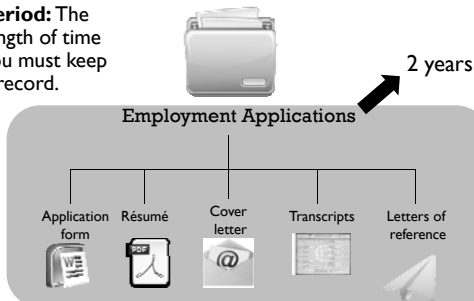
Record Series

▶ A grouping of records that all serve the same function and are all kept the same length of time.



Retention Period

▶ **Retention Period:** The length of time you must keep a record.



Retention Codes

(just #)	Add this number to the creation/receipt date of the record
AV	As long as administratively valuable (there is some sort of business use for it)
CE	Calendar Year End: December 31 st
FE	Fiscal Year End: August 31 st ? September 30 th ?
LA	Life of the Asset (keep the record about the asset until you don't have the asset anymore)
PM	Permanent (never destroy)
US	Until superseded (keep until replaced by an updated version)

Records Retention Schedule

▶ A document that lists the records series of an organization, with mandatory minimum retention periods for each records series.

▶ TSLAC Local Schedules

- ▶ 12 schedules
- ▶ Include 1,500+ records series
- ▶ Mandatory minimum retention
- ▶ Same retention regardless of medium
- ▶ Available to print from website



Local Retention Schedules

GR – General Records *plus...*

- ▶ CC – County Clerk
- ▶ DC – District Clerk
- ▶ EL – Elections/Voter
- ▶ HR – Health
- ▶ JC – Junior Colleges
- ▶ LC – Justice/Municipal Courts
- PS – Public Safety
- PW – Public Works
- SD – Schools
- TX – Taxation
- UT – Utility Services

<http://bitly.com/localschedules>

Local Schedule GR

- ▶ Retention Schedule for Records Common to All Local Governments
 - ▶ Part 1: Administrative Records
 - ▶ Part 2: Financial Records
 - ▶ Part 3: Personnel and Payroll Records
 - ▶ Part 4: Support Services Records
 - ▶ Part 5: Information Technology Records

<http://bit.ly/schedulegr>

Local Schedule PS

- ▶ Retention Schedule for Records of Public Safety Agencies
 - ▶ Part 1: Records Common to All Public Safety Agencies
 - ▶ Part 2: Law Enforcement Records
 - ▶ Part 3: County Medical Examiner Records
 - ▶ Part 4: Fire Fighting and Emergency Medical Service Agencies
 - ▶ Part 5: Records of Community Supervision and Corrections (Adult Probation) Departments
 - ▶ Records of County, District, and Criminal District Attorneys

<http://bit.ly/scheduleps>

Wait a minute....

“What if the operational records of the ESD are actually held by a non-governmental service provider, not the ESD?”

What if... (Fire)

► **Fire Protection Providers:**

- Subject to all rules and regulations as if the organization were a local government if:
 - Provides fire protection to a local government entity for profit under a contract or other agreement; and
 - Would be a fire department if the organization were a department of a local government entity.
- 37 TAC 495.201 (Rules of the TCFP)



What if... (EMS)

► **EMS Providers:**

- Make sure the contract includes a provision about abiding by the ESD's records retention schedule.
- "Most often function under the direction of a licensed physician" – must comply with Texas Medical Board retention rules.
- *Recommendation of the Texas Department of State Health Services; no law in the EMS Act speaking directly to this issue*



How to read a records series

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-03f	MINUTES	Certified audiotapes of closed meetings.	2 years	By law - Government Code, Section 551.104(a).

Contracts

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-25	CONTRACTS, LEASES, AND AGREEMENTS	Contracts, leases, and agreements, including reports, correspondence, performance bonds, and similar records relating to their negotiation, administration, renewal, or termination, except construction contracts (see item number GR1075-16).	4 years after the expiration or termination of the instrument according to its terms.	

Budget Working Papers

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-04c	BUDGETS AND BUDGET DOCUMENTATION	Working papers created exclusively for the preparation of budgets, including budget requests, justification statements, and similar documents.	2 years	
GR1025-04d	BUDGETS AND BUDGET DOCUMENTATION	Encumbrance and expenditure reports (status reports showing expenditures and encumbrances against a budget).	2 years	
GR1025-04e	BUDGETS AND BUDGET DOCUMENTATION	Budget change documentation, including line item or contingency/reserve fund transfers and supplemental budget requests.	2 years	

Radio and Paging Logs

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4100-06	RADIO AND PAGING LOGS	Listing of each radio call or pages from or to a dispatcher showing date, time, and location of call.	1 year	

EMS Run Reports

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4450-02	EMERGENCY MEDICAL SERVICE RUN REPORTS	Emergency ambulance run activity reports, advanced life-support report forms, and similar records pertinent to documenting the condition and treatment of sick or injured persons by emergency medical personnel.		
PS4450-02a	EMERGENCY MEDICAL SERVICE RUN REPORTS	Treatment rendered.	6 years, 3 months from date service rendered, or until the patient's 20th birthday, whichever later.	
PS4450-02b	EMERGENCY MEDICAL SERVICE RUN REPORTS	Treatment refused.	2 years.	

(Some) Permanent Records

- ▶ Board Meeting Minutes (GR1000-03a)
- ▶ Resolutions (GR1000-05)
- ▶ Annual Budgets (GR1025-04a)
- ▶ Annual Financial Reports (GR1025-07b)

Disposition Log

- ▶ Records series title
- ▶ Dates of records disposed
- ▶ Date of disposal
- ▶ Volume of records disposed
- ▶ Disposal method
- ▶ Approval signatures

Records Disposition Log
 Prepared by: Unit/Liaison Name _____ Date _____
 Unit Manager Approval Signature: _____ Date _____
 Legal Counsel Approval Signature: _____ Date _____
 Records Management Officer Approval Signature: _____ Date _____

Information from the Records Retention Schedule						Disposition Method: See legend below	Enter "X" after approved →	See Att
Record Number	Records Series Title	Retention Period	From-To Dates of Records	Action	Volume	Actual Disposition Date	Initial	See Att
GR1000-25	Contracts	Expired + 4 years	1995-2008	S	10 boxes	3-7-13		
GR1025-04a-01025-04a	Budget Working Papers	2 years	2000-2010	D	25 GB	3-7-13		
P54100-06	Radio and Paging Logs	1 year	2005-2011	D	35 MB	3-7-13		
P54450-04	Texts Incident Reports	5 years	2006-2007	S	50 boxes	3-7-13		
P54450-02a	EMS Run Reports - Adults	6 years + 3 months	1995-2006	S	5 boxes	3-7-13		
P54450-02b	EMS Run Reports - Minors (DOB later of patient's 20th birthday or 6 years 3 months		1995-2006	S	10 boxes	3-7-13		

Legend
 Retention Period Codes: FE/Fiscal year, AC/See Ret Schedule, US/Until superseded, CE/Calendar year, LA/Up to Asset, AV/Administratively Valuable, PM/Permanent
 Actions: A/Retain (open records only), S/Store, B/Burn, P/Purge, D/Deletes electronic records, AT/Transfer to County Archives, AR/Archival Review needed
 Disposition Date: AFTER NOTIFICATION OF APPROVAL Date put in reporting, added to locked bin for confidential shredding, printed, or sent to Archives
 See Att (See Attachment): Put an X in this field if there is an attachment giving more detail about the records being destroyed.

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COMPLIANCE

Are you in compliance?



1. Records Management Policy (Order, Ordinance, Resolution)
2. Records Management Officer (RMO)
3. Records Retention Schedule/Decision

All compliance forms can be downloaded here:
<http://bit.ly/tslaclocalforms>

Compliance Element 1: Records Management Policy

TEXAS STATE LIBRARY AND ARCHIVES COMMISSION
SMALL LOCAL GOVERNMENTS

WHEREAS the Texas State Library and Archives Commission has a duty to preserve the records of the State of Texas; and

WHEREAS it is the duty of all governmental entities to preserve the records of their offices; and

WHEREAS the Commission has a duty to advise all governmental entities of their obligations under the law to preserve their records;

SECTION 1. PURPOSE AND SCOPE OF THE POLICY. The purpose of this policy is to ensure that all records of the Commission are preserved and are accessible to the public. This policy applies to all records of the Commission, regardless of the medium in which they are stored.

SECTION 2. DESIGNATION OF RECORDS MANAGEMENT OFFICER. The Commission shall designate a Records Management Officer (RMO) who shall be responsible for the implementation and maintenance of this policy.

SECTION 3. PROHIBITION OF DISPOSITION OF RECORDS. No records of the Commission shall be disposed of in any manner other than that authorized by the Commission.

SECTION 4. APPLICABILITY OF THE POLICY. This policy shall apply to all records of the Commission, regardless of the medium in which they are stored.

SECTION 5. EFFECTIVE DATE. This policy shall become effective on the date of its adoption.

SECTION 6. AMENDMENT. This policy may be amended by the Commission.

- ▶ Model Order or Ordinance for Small Local Governments (Policy Model 4)
- ▶ Acknowledges requirement to have a records management program
- ▶ Designates RMO
- ▶ **Must be accompanied by minutes or signature certifying its adoption by your Board.**

Compliance Element 2: RMO Appointment

- ▶ Must match policy
- ▶ Designation of Local Government RMO - Form SLR 504
- ▶ Notify us within 30 days

SLR 504 form

Compliance Element 2: RMO Appointment

Section 2 - All Other Local Government Offices
 Before filing out this form, consult the Records Management policy/ordinance ("policy") approved by your governing body. If the position of the RMO has changed, or if the policy names an individual who is no longer serving as RMO, a new policy must be filed along with this form.

1. Government: _____

2. Position Designated in Policy: _____

3. Individual's Name: _____

4. Address: _____

5. City: _____ ZIP code: _____

6. Telephone: _____

7. Email address (optional): _____

Please subscribe this email address to The Texas Record blog for news and training information.

Signature: _____ Date: _____

Please return original, signed form within 30 days of RMO change to:
 State and Local Records Management Division
 Texas State Library and Archives Commission
 P.O. Box 129227
 Austin, TX 78711-2927

FORM 504 (REVISED JANUARY 2005) | SLR 504 (REVISED JANUARY 2005) | SLR 504 (REVISED JANUARY 2005)

**Compliance Element 3:
Retention Decision**

Three Options:

- A. Permanent retention of all records (no schedule);
- B. Declaration of Compliance (SLR 508); OR
- C. Records Control Schedule (SLR 540/500).

**Compliance Element 3:
Retention Decision**



Option A: No schedule

- Keep every record forever
- By choice or by default
- RCS not required
- Policy and RMO appointment on file with TSLAC is still required

**Compliance Element 3:
Retention Decision**

Option B: Declaration of Compliance

- Adopt TSLAC local schedules
- Form SLR 508
- Choose the schedules that apply to your ESD



Compliance Element 3: SLR 508: Declaration of Compliance



Declaration of Compliance with the Records Scheduling Requirement of the Local Government Records Act Submitted Pursuant to Local Government Code §201.0416(2)

Section 1 SUBMISSION OF DATA

- 1. Government: Greendale ESD #3
- 2. Address: P.O. Box 911
City: Greendale ZIP code: 78799
- 3. Telephone: 111-111-1111 4. Email (optional): records@greendales3.net

Compliance Element 3: SLR 508: Declaration of Compliance

Section 2 LOCAL GOVERNMENT CERTIFICATION

As records management officer for the local government or elective county office named, I hereby declare that in lieu of filing records control schedules, we have adopted records control schedules that comply with minimum requirements established on records retention schedules issued by the Texas State Library and Archives Commission (as checked below) for use in our records management program. In doing so, I also certify that the administrative rules for electronic records, adopted by the commission under Local Government Code §201.001(a) will be followed for records subject to the rules. I understand that:

- the validity of this declaration is contingent on its acceptance for filing by the commission.
- if we have previously filed documentation with the commission in which we declared our intent to retain all records permanently, we must attach amended documentation to this declaration before it can be accepted for filing.
- the records retention schedules adopted by this declaration may be amended by filing for approval a supplemental Records Control Schedule Amendment (SLR 501) on which are listed proposed retention periods for records that do not appear on schedules issued by the commission (as checked below).
- if a supplemental Records Control Schedule Amendment is not filed, we must file a Request for Authorization to Destroy Unscheduled Records (SLR 501) in order to destroy records that do not appear on schedules issued by the commission (as checked below), and
- the commission will provide us with access to subsequent editions of any schedules issued by the commission.

1. I hereby declare that our records control schedules will comply with the following schedules issued by the commission:

- | | |
|---|---|
| <input type="checkbox"/> Schedule CC (Records of County Clerks) | <input type="checkbox"/> Schedule LC (Records of Justice and Municipal Courts) |
| <input type="checkbox"/> Schedule DC (Records of District Clerks) | <input checked="" type="checkbox"/> Schedule PS (Records of Public Safety Agencies) |
| <input checked="" type="checkbox"/> Schedule EL (Records of Elections and Voter Registration) | <input type="checkbox"/> Schedule PW (Records of Public Works and Services) |
| <input checked="" type="checkbox"/> Schedule GR (Records Common to All Governments) | <input type="checkbox"/> Schedule SD (Records of Public School Districts) |
| <input type="checkbox"/> Schedule HR (Records of Public Health Agencies) | <input checked="" type="checkbox"/> Schedule TX (Records of Property Taxation) |
| <input type="checkbox"/> Schedule JC (Records of Public Junior Colleges) | <input type="checkbox"/> Schedule UT (Records of Utility Services) |

Compliance Element 3: SLR 508: Declaration of Compliance

2. If any records control schedule or amendments have been filed with the commission, I also hereby declare that those schedules or amendments:

- are superseded by this declaration.
- are not superseded by this declaration. I understand that, in the event of a conflict between the previously filed records control schedules or amendments and the schedules adopted by this declaration, the longer retention period shall apply.

Name and Title: _____

Signature: _____ Date: _____

Section 3 TEXAS STATE LIBRARY COMPLIANCE (to be completed by Texas State Library)

This Declaration of Compliance has been accepted for filing pursuant to Local Government Code §201.0416(a). A request regarding any schedules issued by the commission (as checked above) may be disposed of at the discretion of the retention period without additional notice to the Director and Libraries, subject to the provisions of Local Government Code §201.0416(d).

Name and Title: _____
Signature: _____ Date: _____

Texas State Library and Archives Commission Box 12227 5046LPI-0
State and Local Records Management Division Austin, Texas 78711-7027 KSC 688-1288 FAX SLR 888 (9/13)

Compliance Element 3: Retention Decision

Option C: Records Control Schedule

- Conduct records inventory
- Enter records on Form SLR 500
- Meet minimum retention periods in TSLAC local schedules
- Include signature page: Form SLR 540 – RMO must sign



Compliance Element 3: DoC vs. RCS

Declaration of Compliance Records Control Schedule

- | | |
|---|---|
| <ul style="list-style-type: none"> ▶ Easier to fill out ▶ Easier to file – approved within a week or two ▶ No need to re-file when new schedules published – just start following new guidelines | <ul style="list-style-type: none"> ▶ Based on an inventory of <u>only your</u> records – no irrelevant items ▶ Ability to customize: divide into sections, or by department ▶ Include additional records that are not on TSLAC schedules |
|---|---|

Compliance Recap

- ▶ “Fast Track” to Compliance:
 1. Records Management Policy:
 - ▶ Use Policy Model 4 as a basis for your policy
 - ▶ Board adopts that policy
 - ▶ Mail the policy (and documentation showing approval) to TSLAC
 2. Records Management Officer:
 - ▶ Make sure your policy designates a Records Management Officer
 - ▶ Fill out and submit (by mail) an SLR 504 form
 3. Records Retention Schedule:
 - ▶ Fill out and submit (by mail) an SLR 508 form adopting Schedules GR, PS, EL, and TX



CONCLUSION

Recap

- ✓ Define records management terms
- ✓ Understand records retention rules
- ✓ Know how to read a records retention schedule
- ✓ Know what to submit to TSLAC
- ✓ Know where to go for more information

Call us!

- ✓ Find your analyst (by county):
<https://www.tsl.state.tx.us/slr/local/countylist.html>
- ✓ General contact info:
 - ✓ Phone: (512) 463-6623
 - ✓ Email: slrinfo@tsl.state.tx.us
- ✓ We can tell you what compliance documents you have on file and what you need to file (and can email your file to you)

Action Plan

- 1. Check your compliance status
- 2. Designate a Records Management Officer
- 3. Download Local Schedules GR and PS

Thank you!

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Texas State Library and Archives Commission
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Website: <https://www.tsl.state.tx.us/slrn>
