

RECORDS MANAGEMENT POLICY
SAMPLE TEMPLATE
Revised August 2014

Statement of Intent

This policy establishes the general responsibilities for management, retention, and disposition of AGENCY records as mandated by the Virginia Public Records Act (VPRA), Code of Virginia § 42.1-76–§ 42.1-91. This policy applies to all employees (including part-time and per diem) and authorized agents of the AGENCY and its affiliates.

The AGENCY is committed to effectively managing its records, regardless of media type, by adhering to best practices and following a systematic and logical plan developed by the organizational units that maintain the records. The successful implementation and ongoing effectiveness of this policy is dependent on the cooperation of each organizational unit to ensure that permanent records are preserved and nonpermanent records are destroyed in a timely and orderly manner.

The policy will provide guidance for achieving the following objectives:

1. Comply with the Virginia Public Records Act (VPRA), Code of Virginia § 42.1-76–§ 42.1-91, which governs the creation, maintenance, and disposition of public records
2. Develop and implement procedures, guidelines, systems, and business practices that facilitate the creation, backup, preservation, filing, storage, and disposal of records of all formats
3. Create a network of personnel throughout the AGENCY trained to manage records of all types
4. Reduce risks associated with unintended disclosure of sensitive information
5. Protect essential and historical information about the AGENCY

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I. Responsibilities Under the Virginia Public Records Act (VPRA)

Records Management Program

The AGENCY will implement a sound records management program in accordance with the Virginia Public Records Act (VPRA) § 42.1-76 et seq. An effective records management program will implement Library of Virginia–approved records retention and disposition schedules, document destruction of scheduled records, train employees, and create and disseminate records management procedures.

Designated Records Officer

The AGENCY will designate at least one records officer to oversee the AGENCY’s records management program in accordance with the Virginia Public Records Act (VPRA) § 42.1-85. The designated records officer(s) will serve as a liaison(s) to the Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction of obsolete records.

The AGENCY will identify the person or persons who will serve as records officer(s) by submitting the Records Officer Designation and Responsibilities Form (RM-25) to the Library of Virginia.

Delivery of Records to Successor

At the end of a records custodian’s term of office, appointment, or employment, all records should be turned over to his/her successor. In the event that the AGENCY ceases to exist and there is no successor, all records should be transferred to the Library of Virginia per the Code of Virginia § 42.1-88.

II. Public Records

Public Records

Public records are those that document the transaction of business by the AGENCY. The format in which the information is presented, as well as the medium on which the information is contained, have no bearing on the determination of whether the record is a public record. (Code of Virginia § 42.1-77)

Non-records

Public records shall not include materials made or acquired and kept solely for reference or exhibition purposes, copies of records kept only for convenience or reference, and stocks of publications. These are considered “non-records.” (Code of Virginia § 42.1-77)

Copy of Record

The “copy of record” shall be construed to mean the “official” copy of a particular public record, with no regard as to whether it is an original, copy, or reformatted version. All work units within the AGENCY shall work with the designated records officer to establish in writing the ownership of and responsibility for copies of record.

Confidential Records

Public records that are restricted from disclosure by statute, court order, or legally adopted rules and regulations are considered confidential. AGENCY records that are deemed confidential are still considered to be public records even though they are not publicly available. AGENCY records management procedures will contain references to all applicable regulations and statutes affecting AGENCY records.

III. Roles and Responsibilities

Agency Head or Designee

The head of the AGENCY or his/her designee is responsible for establishing and approving the AGENCY records management program and identifying to the Library of Virginia the person(s) to serve as the designated records officer(s).

Department, Division, or Section Heads

The heads of departments, divisions, and/or sections are responsible for ensuring that procedures and programs within their areas of responsibility meet the requirements of the AGENCY's records management program relative to record identification, generation, control, maintenance, processing, storage, and disposition.

Agency-designated Records Officer

The designated records officer is responsible for the development, implementation, and ongoing coordination of the records management program to meet regulatory requirements.

Responsibilities of the records officer include:

- Developing procedures to implement the AGENCY's records management program in coordination with the Library of Virginia
- Providing training in records management procedures and practices, including the use of appropriate forms
- Implementing systems to meet program requirements for completeness, legibility, reproducibility, retrievability, distribution, control, security, storage, and disposition of records, regardless of format or media type
- Advising staff members on where to access and how to use Library of Virginia–approved retention schedules
- Coordinating and/or assisting staff in the surveying of records
- Ensuring that essential, archival, and permanent records are identified, properly maintained, protected, and accessible for the length of time cited in an applicable retention schedule
- Maintaining contact and connections with AGENCY records coordinators

Records Coordinators

Records coordinators are responsible for assisting in the design, implementation, and management of the AGENCY records management program by serving as liaisons between their respective work units and the AGENCY'S designated records officer.

Responsibilities of a records coordinator include:

- Being familiar with the AGENCY'S internal records management policy

- Developing the unit's records management procedures and practices, consistent with this policy
- Educating staff within the organizational unit in understanding sound record management practices
- Restricting access to confidential records and information
- Coordinating the destruction of records with the records officer as provided in the applicable procedures

IV. Records Retention and Disposition Schedules

Records retention and disposition schedules are created and maintained by the Library of Virginia. Retention schedules are approved sets of clearly identified, related records series that dictate the length of time a series must be kept and its required disposition.

All AGENCY records must be managed in accordance with the most current Library of Virginia–approved records retention and disposition schedules.

If a new category of records is created, and no applicable series is found on an existing retention schedule, then the AGENCY’s designated records officer must contact the AGENCY’s assigned records analyst at the Library of Virginia so that the records may be scheduled.

V. Electronic Records

The AGENCY will manage its electronically stored information (ESI) consistent with the Library of Virginia–approved records retention and disposition schedules and any legal obligations that may apply. The retention schedules govern retention of electronic records in the same manner as paper records. Content, not format, drives records retention.

The destruction of electronic records must be documented through submission of the Certificate of Records Destruction (RM-3 Form). (See section VII of this policy.)

VI. Disposition of Public Records

There are two options for public records disposition: permanent retention or destruction. Use the records retention and disposition schedules to determine whether a series is permanent or when it should be destroyed.

Permanent Records

A public record is considered permanent when it has been determined to have “continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law.” (Code of Virginia § 42.1-77)

Permanent records held by the AGENCY are identified on a Library of Virginia–approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth. The retention schedules will identify whether a record must be maintained by the AGENCY or may be offered to the Archives at the Library of Virginia. Permanent records of the AGENCY cannot be given away, sold, or loaned to any outside person, organization, or business entity.

AGENCY staff or work units in possession of permanent records that may be offered to the Library of Virginia must contact the AGENCY designated records officer when the records are no longer active. The records officer will contact the Library to begin the transfer process.

Non-permanent Records

All AGENCY records that have not been deemed permanent must eventually be destroyed. The records retention and disposition schedules identify when a set of records has reached the end of its usefulness. A retention schedule may also state whether records must be destroyed in a certain manner. Retention schedules constitute a legal timeline for the destruction of records from which the AGENCY must not deviate unless in the midst of a legal hold. (See section IX of this policy.)

VII. Destruction of Public Records

All records destruction performed by the AGENCY must be done in accordance with written procedures and documented on a Certificate of Records Destruction (RM-3 Form). The RM-3 Form is required when destroying public records, in all formats, that are deemed copies of record. The original RM-3 Form must be submitted to the Library of Virginia. The AGENCY must retain a copy of the RM-3 Form for three (3) years.

AGENCY records must be destroyed in the manner identified by the appropriate series on a general or specific records retention and disposition schedule. All AGENCY records must be destroyed once the applicable retention period has expired. No records may be maintained past the end of their stated retention unless involved in current litigation, investigation, or audit. (Code of Virginia § 42.1-86.1)

AGENCY records may not be destroyed because of lack of space or funding for storage. Do not report the destruction of materials that are not public records, such as copies, personal items, and reference materials on an RM-3 Form.

Non-confidential Destruction

Acceptable methods of destruction for non-confidential AGENCY records include trash, recycling, or deletion of electronic records. Destruction must be done in a timely manner, construed by the Library of Virginia to be one (1) year from retention expiration.

Confidential Destruction

Acceptable methods of destruction for confidential AGENCY records include cross-cut shredding, pulping, incinerating, physical destruction of electronic storage media, "wiping" of electronic records with appropriate software, and degaussing of magnetic material. Destruction of confidential records containing personally identifying information must be done within six (6) months of retention expiration. (Code of Virginia § 42.1-86.1)

Non-record Destruction

The destruction of non-record material, confidential or otherwise, will not be reported to the Library of Virginia. If necessary, the destruction of non-records can be recorded by the AGENCY for internal purposes.

VIII. Storage, Retrieval, and Disaster Recovery

Storage

All AGENCY records shall be maintained in such a way that they are identifiable and accessible for the entirety of their assigned retention period.

All AGENCY records must be stored in areas with consistent temperatures and humidity levels. Ideal conditions are a temperature maintained in the 65–70° range and humidity maintained at 40% +/- 5%.

All AGENCY records must be:

- Protected from fire by the installation of smoke detectors, water sprinklers, and fire extinguishers
- Free of vermin and insects
- Far from water pipes

If records are of a confidential nature, they should be stored in a secure area that is locked and has controlled access for select personnel only. Strict procedures must be in place for retrieval, use, and re-filing of confidential records. Access to confidential records in electronic formats will be limited by assigning appropriate log-in credentials.

Retrieval

All work units must have procedures in place for the retrieval of records, their use, and re-filing.

Disaster Recovery

The AGENCY will have in place a Records Emergency Action Plan (REAP) that clearly communicates the procedures for records recovery in the event of a natural disaster, fire, or other catastrophic event affecting the AGENCY.

IX. Legal Matters, Audits, and Investigations

Any AGENCY record that is relevant to pending or anticipated action, i.e., litigation, claim, audit, agency charge, investigation, or enforcement action, shall be retained until final resolution of the matter. In these circumstances, the work unit involved with the ongoing action will notify all other relevant organizational units and work with staff to identify and retain any records (including electronic records) and other information that could be relevant to the matter. This will include a directive that the relevant work unit's normal document destruction procedures be suspended temporarily.

AGENCY employees who become aware that an action, investigation, or legal proceeding has commenced or is anticipated against their department or work unit must promptly notify the manager of the affected organizational unit, as well as the agency-designated records officer, so that all records with potential relevance to the investigation or legal proceeding can be retained as necessary. After matter is closed, records should be maintained according to appropriate records series retention and disposition.

X. Data Privacy

All records created and maintained by the AGENCY that contain personal or other confidential information must be kept in accordance with the Government Data Collection and Dissemination Practices Act, Code of Virginia § 2.2-3800 et seq. (See section VIII of this policy for information on the storage of and access to confidential records).