The Importance of County Records Management - *A Primer*
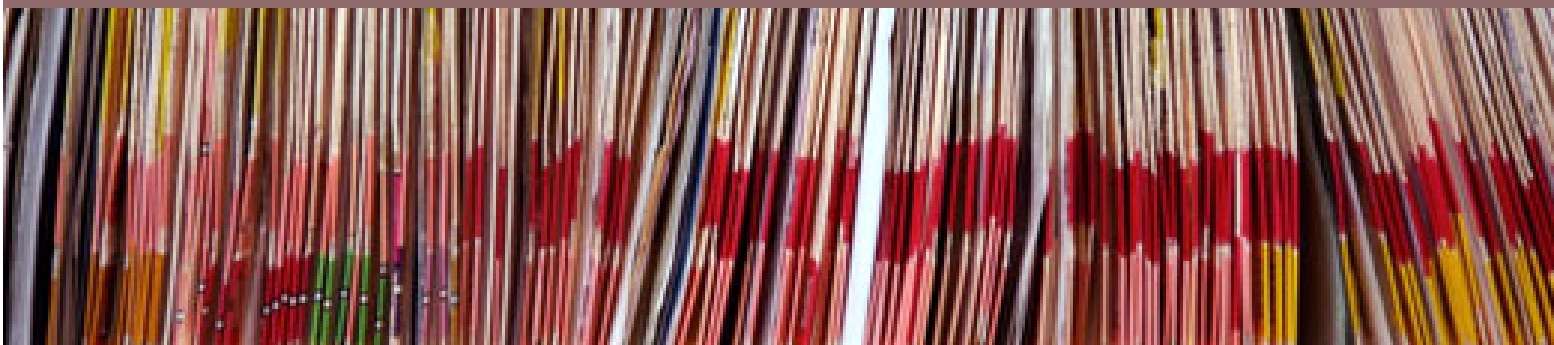
NACo
National Association of Counties
The Voice of America's Counties

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The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, NACo provides essential services to the nation's 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit *www.naco.org*.

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"Much of America's historical record is held at the local government level"

– Kathleen Roe,
Director of New York Archival and Records Operations

Historically, county governments were created to, among other things, record deeds and manage land transfers and other vital records. In fact, in the early days of our nation, county lines were drawn so that no resident of a county had to travel more than one day to get to the county seat in order to take care of his business with the county and that business generally had to do with land records. To this day, maintaining records, land transfers and other vital records continues to be a major function of counties.

The records management function of county governments and the individuals who perform this task are of major importance to county residents. Many of these residents do not appreciate the need for this service until one of the five times in their lives that records maintained by the county become important. In addition to the records necessary for property transfer, deeds and records of sales, residents in many counties must obtain marriage records, birth records, death records and other records of a personal nature from the county recorder, clerk or records manager's office. County records managers must follow a specific and well-funded path to be able to produce these records on demand by the public.

The goal of any county records management program is to catalog and manage all of the information and records that are necessary for the county government to conduct its business. In this modern age of technology, this is a particularly challenging goal because of the huge volume of information and the rapid creation of additional information and records through technology. The evolving legal requirements attached to the information and records created through technology are another challenge. Records managers have to educate themselves almost on a daily basis in order to be in compliance with the laws and with the best practices available. In addition, keepers of county records must manage this huge amount of information in a way that is effective and open to the public and in a cost efficient manner in accordance with the county budget.

Many records managers are required to manage information, manage costs, apply sound records principles and meet the requirements of the state's open records or freedom of information act that addresses the public's right of access to this information. County records managers today are faced with the following responsibilities:

- Managing public records and information
- Reducing, where possible, county agencies' cost of doing business
- Guaranteeing the public's right to know what their county government is doing.

If a county maintains and funds an effective records and information management program many rewards will be built in. These include:

- The county will be in compliance with state and federal legal retention requirements – an indicator of an excellent records management program is one where there are retention requirements that have been established based on an analysis of the legal, fiscal, administrative and historical requirements and uses of records.
- The county can more rapidly retrieve information – by the effective use of non- paper systems, including electronic document imaging and micrographics, managers can improve the efficiency of retrieval and reduce costs.
- The county can save on space for records storage –by maintaining and implementing retention schedules and destroying records that have met their retention requirements on a timely basis, a county can significantly reduce the space used for records storage.
- The county loses or misfiles fewer records.

- The reduction in the cost of records filing equipment – efficient and timely disposal of records can eliminate the need for new filing cabinets, file folders, electronic storage media, etc.
- The county can control how new records are created – by establishing sound records management, forms management and reports management systems, the records manager can reduce the creation of unnecessary reports, documents and copies and provide more effective use of and access to the reports that need to be created.

Even though many individuals, including some employed at the county government level, do not see the obvious importance of sound records management, the efficient functioning of the organization with a sound records management program cannot be disputed. The efficient retrieval of county records helps maintain the corporate memory for both public and private sectors to conduct business efficiently. In addition to retention, storage, and disposition of public records, good records management protocols also help an organization maintain control over its information flow and its administrative operations.

Some of the questions that are faced daily by county records managers include:

- Where can I get a copy of a county record?
- How long does the county keep a record?
- When are county records destroyed?
- How are they recorded (media)?
- What records does the county need to function?

- Are these most vital records safe?
- Does the county have a disaster recovery plan?
- What do you do to manage electronic records?
- Is an e-mail a covered record?

Managing and controlling county records for their entire life cycle, from the creation and distribution of the records to the filing, storage and use and to the permanent retention or destruction is the role of the county records manager.

What is a Retention Schedule and why is it so important?

A properly maintained retention schedule is vital to any sound records management program. This schedule describes the format and the length of time a record must be maintained and what will be done with the record at the end of that period. A good set of county retention schedules take into account the requirements for any federal or state records in addition to locally generated records. If retention schedules are not implemented in a timely manner, records management systems cannot be efficient. A lapse in proper retention or disposal can cause the entire system to be set back. If a vital record is not properly stored and catalogued under the retention schedule policy, it could be disposed of before the end of its useful life, often in violation of state or federal requirements. In the same way, a record that has already expired in purpose and value adds unneeded filing, tracking, and storage space to the system operations.

The federal government, through regulation by the National Archives and Records Administration, has specific retention schedules outlined for all federal government agencies. Most state governments have clearly laid out retention schedules for each of the various types of records required by state law. Many states have also incorporated guidelines for county records retention schedules into their State codes. Some offer services and support for county governments in establishing sound schedules and records management systems. Indiana, for example, offers a sample of records management

tools including retention schedules as models for county governments that can either be fully approved by the County Commission or used as benchmarks for establishing county records retention schedules.

The federal government established guidelines about how records such as payroll information and other employment records must be maintained. In addition, federal rules that are implemented at the county level such as the Fair Labor Standards Act, the Occupational Safety and Health Act and the Family Leave Act are also part of the annual administrative record keeping responsibility of county records managers.

State laws also influence county records because counties are the local instrumentalities that carry out many state mandated activities. Nearly every state has promulgated rules and regulations that establish how and which records must be maintained at the county level and for how long. In many states, the chief record keeper at the county level is a state constitutionally mandated official such as an elected Recorder or County Clerk. Some states have specific acts written into law, such as the Georgia Records Act, that provide the record keeping requirements for all levels of government.

In South Carolina the Department of Archives and History requires government record keepers "to insure that older, historical records are preserved satisfactorily, whether by microfilming, transfer to an archival repository, application of special restoration treatments or a combination of the above. Similarly, the records of short-term value must be identified and disposed of in accordance with an orderly timetable, allowing each record sufficient time to outlive all administrative usefulness or value."

Clearly county governments are not alone in their pursuit of records management programs. With so much widely available information and support, no county should be left with insufficient management processes. Counties who want to get started on an up to date records management policy should start with the following steps among others:

- Conduct an inventory of all available records
- Identify records of importance and relevancy

- Establish retention periods for each record type depending on value
- Publish retention schedules for all records types
- Once properly identified, store vital records in safe, accessible facilities
- Maintain and monitor circulation and track records
- Establish disposal measures – destruction or transfer
- Regulate the destruction or permanent storage of records

Disposal of a record based on the end of its useful life does not always mean destruction. Disposal can be the actual destruction of a record, or it can be the permanent transfer to a storage facility for preservation. Once determined to be no longer necessary for current practices, a record may be transferred to an historical archive, museum, or private party. This is not destruction, but simply the disposal of a record from the county's ongoing records management system. These actions must always be well documented in order to keep the records retrieval systems current.

Emergency Preparedness

It is clear that records management is a critical aspect of county government administration. Providing protection for these records in the event of a disaster should also be a part of any records management plan. A disaster plan can be the difference in how long it takes a county government to get up and running after an emergency.

No one could foresee the damages left in the wake of the 2005 hurricane season, but proper emergency preparedness and a sound disaster plan could have saved countless records from being lost in the floodwaters. In a 2006 publication by the Council of State Archives (CoSA), "Safeguarding a Nation's Identity," key research was conducted in order to find out not only what level of disaster preparedness state records systems had, but also what resources were available to them and to their counties.

This research revealed that only 16 states had records management programs that provided

conservation and/or disaster recovery services for local governments. In response to this and other noted issues, CoSA prepared the following recommended action plan for states:

- Strengthen records-related disaster plans.
- Build state records into each state government's overall emergency plan.
- Ensure that appropriate provisions for records are incorporated into federal directives.
- Ensure that Continuity of Operations (COOP) plans for all state and local government agencies identify records and information systems essential to the resumption of government operations.
- Strengthen relationships and communications with local, state, and federal government agencies.
- Provide security storage for and facilitate duplication of essential records in state and local governments.
- Offer centralized storage and/or access to emergency plans.
- Increase education, training, awareness, and drills on records-related preparedness.
- Conduct surveys in order to build statewide directories of records held by local governments and historical records depositories.
- Form partnerships to foster cooperative response efforts with other similar organizations.
- Provide grants to develop repository-level emergency response plans.

By implementing each of these steps, both state and county governments can make big strides in ensuring that they are prepared for natural disasters and post-emergency reconciliation of records.

Another option for county disaster preparedness programs is the use of commercial off-site storage. Denton County, Texas did just that. Since 1998, the Denton County Clerk has implemented the services of ACS, Inc. This company implemented a complete recording and records management system that allows the county to digitize land records and record real property documents as well as vital statistics records, including birth certificates, death certificates, marriage licenses, and more. All confidential data is protected with user level security and backup microfilm and is stored in a highly secure ACS facility with separate security controlled access as well as temperature control and fire protection. All systems are designed with disaster recovery precautions. The use of this commercial program has not only produced a better service and back up protection, but Denton County also saved over $1 million over the past 12 years.

Where Can Counties Get Assistance?

Obtaining funding to create a state of the art records management program is a constant challenge for many county governments. In many counties, officials often believe that the pressing needs of daily service delivery and response far outweigh the need to contribute additional funding for the maintenance and storage of records and frequently expect the chief records managers to locate funding on their own. In others, states provide grants and other services, such as mobile microfiching labs, to assist local governments with this challenge. In New Jersey, the State Department of Records Management offers a Public Archives and Records Infrastructure Support Grants Program to its local governments. Know as a PARIS grant, this funding is available to counties and can cover funding for numerous projects including records storage projects, improving access to historical records, records conversion for preservation purposes, etc.

There are several resources available to records managers in addition to those funded through the state. A key resource for state, local and federal records management initiatives is the Association of Records Managers

and Administrators (ARMA). The association publishes its own records management journal, *Information Management*, and is also a key contributor to the newly emerging international records management standard. Any county government can take advantage of the many resources provided by ARMA.

Fifty states have archives and records management systems in place. Many of which are closely modeled after the federal system. The following states also have records management divisions that provide guidelines and assistance of varying kinds to their county governments:

Alabama	Nevada
Alaska	New Jersey
Arizona	New Mexico
California	New York
Connecticut	North Carolina
Florida	North Dakota
Georgia	Ohio
Illinois	Oregon
Indiana	Pennsylvania
Kansas	Rhode Island
Kentucky	South Carolina
Louisiana	South Dakota
Maine	Texas
Maryland	Utah
Michigan	Vermont
Minnesota	Virginia
Mississippi	Washington
Missouri	West Virginia
Montana	Wisconsin
Nebraska	Wyoming

Federal Assistance

There are numerous opportunities for financial assistance and an abundance of educational resources at the federal level. Whether through the National Historical Publications and Records Commission or the Council of State Archivists, resources to assist county records managers are available. The Council of State Archivists (CoSA) is a national organization made up of the individuals who serve as directors of the principal archival agencies in each state and territorial government. Under regulations of the National Historical Publications and Records Commission, these individuals also serve as the State Historical Records Coordinators who chair their respective State Historical Records Advisory Boards (SHRABs).

In 1975, the National Historical Publications and Records Commission (NHPRC) enacted regulations (36 CFR 1206) that required each state, territory, and the District of Columbia to establish a State Historical Records Advisory Board (SHRAB) in order to fully participate in its NHPRC grant program. The NHPRC staff is a key asset for county governments seeking grants for records projects. Through the NHPRC, county officials can review federal policies and proposals, and the NHPRC is able to provide advice and technical assistance for grant applications.

Through 2009, the NHPRC was appropriated $10 million in grant funds. Ten different funding opportunities are supported by the NHPRC, four of which can provide particular assistance to local governments—Archives – Basic Projects, Archives – Detailed Processing Projects, Digitalizing Historical Records, and Electronic Records Projects. Each of these grants is awarded on an annual basis. CoSA is actively supporting a Congressional reauthorization of an increased appropriation level of $20 million annually.

In addition to the grants appropriated through the NHPRC, the National Endowment for the Humanities also provides grant opportunities for records projects. One such grant program is the "Sustaining Cultural Heritage Collections" program. This grant specifically focuses on preserving humanities collections while encouraging sustainable preservation strategies. As many counties push towards sustainable practices and programs, this grant may provide many opportunities.

Although not yet passed, the "Preserving the American Historical Record (PAHR) Act" is gaining headway through Congress. If passed, this legislative act will distribute $50 million annually to the states and territories in the United States. These funds will be made available to state and local governments to preserve and provide access to their records. The passage of this act could provide an enormous boost to records management resources for county governments.

Model County Records Management Programs

King County, Washington

King County, Washington, one of the biggest counties in the country, has implemented its records management policy across the offices of seven separately elected officials, and has also successfully incorporated the use of technology to help redefine its records management.

By reevaluating their records management system, King County is now able to successfully capture a variety of structured and unstructured data such as e-mails and documents. The first step King County took was to define its policy and employ it across its entire government. Specifically, Gregory Trosset, King County's electronic records management program manager, used the Federal Rules for Civil Procedure in developing and revising King County's records management policy. Trosset suggests all records management policies should follow the federal rules, claiming that, "…if you are not having to deal with the requirements of the federal rules now, because you don't go to federal court, you eventually will."

According to Trosset, records management programs must have some key attributes—consistent retention policies and media neutrality. With all county government agencies on board with the records management policy and retention schedules, the filing of records is kept consistent from agency to agency and will allow for easier searches and reproductions of records in the future.

By having these cornerstones of a records management system laid ahead of time, future records management programs and document management has taxonomy of records already in place. The use of newer media storage technologies and data systems will also build on a solid manual system. Trosset also notes that the system you use must fit your county. While King County chose the "Big Bucket" approach of using a large storage area network, many smaller counties may find a system of this type to be difficult and unaccommodating. "Look at what's out there; see what works best for your organization," recommends Trosset.

Records management solutions are widely available. Trosset states that the key to being successful is involving all the right players. By combining the expertise of both IT professionals and "records management folks," an effective records management program is possible.

Sedgwick County, Kansas

In Kansas, the Kansas Open Records Act allows any person the right to inspect and obtain copies of any public records. Sedgwick County provides an outline of the program for its citizens in "A Citizen's Guide to Open Records at Sedgwick County." In this guide, Sedgwick County explains the Open Records Act, what county records are available and which ones are closed, and a step-by-step list of actions on how to request records.

This guide contains a list of contacts that shows where to obtain each type of record. By using this guide, citizens can directly contact the offices to obtain the necessary documents. The steps for requesting are as follows:

- Prepare the request. The guide advises residents to check with the proper agencies to determine if the record is available and what additional information may be needed to obtain it.
- Submit the request. Simple requests for minimal current records can usually be conducted over the phone or in person. More complex requests may require a written request that needs specific information. Depending on the restrictions for acquiring certain records, an agency may be allowed to ask name, address, and require proof of identity.
- Agency response. Average records requests will be produced within three business days. If the record takes more than three business days to produce, the agency must notify the requestor within those three days when and how they plan to provide access and/or copies.

The Sedgwick County guide closes with Frequently Asked Questions covering fees, troubleshooting, and contact information for any further questions. Guides such as these can be a tremendous resource for county residents.

Boulder County, Colorado

Like Sedgwick County, Boulder County has produced a publication on records management that is available for its residents. Boulder County conveniently provides its "Public Records Policy" on its county website. By providing its records management policy on its website, Boulder County provides its residents the opportunity to easily find the information needed to request a document. The county policy is broken down into six sections:

- The "Definitions" section defines "public records" and "writings." The county states the importance of these definitions for its public records policy.
- The "Procedure" section lists the steps to submit a request for a public record.
- The "Fees" section lays out the fees for various types of records. Basic documents not exceeding ten pages can be obtained free of charge online. If a copy is needed the requester will be charged a fee of $0.25 per page. All payments for copies must be received before the record is released.
- The "Time for Accessing Public Records" gives the legal number of days by which agencies must respond to requests. Boulder County has a 3 working days time for inspection and an extension of time to 10 working days if the request requires additional work.

- The "Reviewing Records" section informs the requester that the custodian of the records may define the location where the records are to be viewed by the requester.
- The "Denial of Inspection of Records" section provides the allowable reasons for denying a records request.

Good records management runs parallel to good risk management. Any organization that produces records of any kind is held liable for the history of that record. By maintaining up-to-date records on everything that happens, a good records management system can be used to dismiss any liability issues. The failure to properly record or store such records, however, could lead to accountability problems in the future. By properly managing your county's records, you are safeguarding the county against any future claims that are incongruent with your county's records.

No governmental organization can keep track of its history without an effective records management system in place. Like the federal and state governments, county governments must create, implement, and/or review their records management policies regularly in order to maintain an effective system. Not only does this provide countless resources for future government initiatives, but it also helps counties continue to be the keepers of history for the public.

Resources

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For your notes:

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