




RECORDS RETENTION

For ESDs in Texas

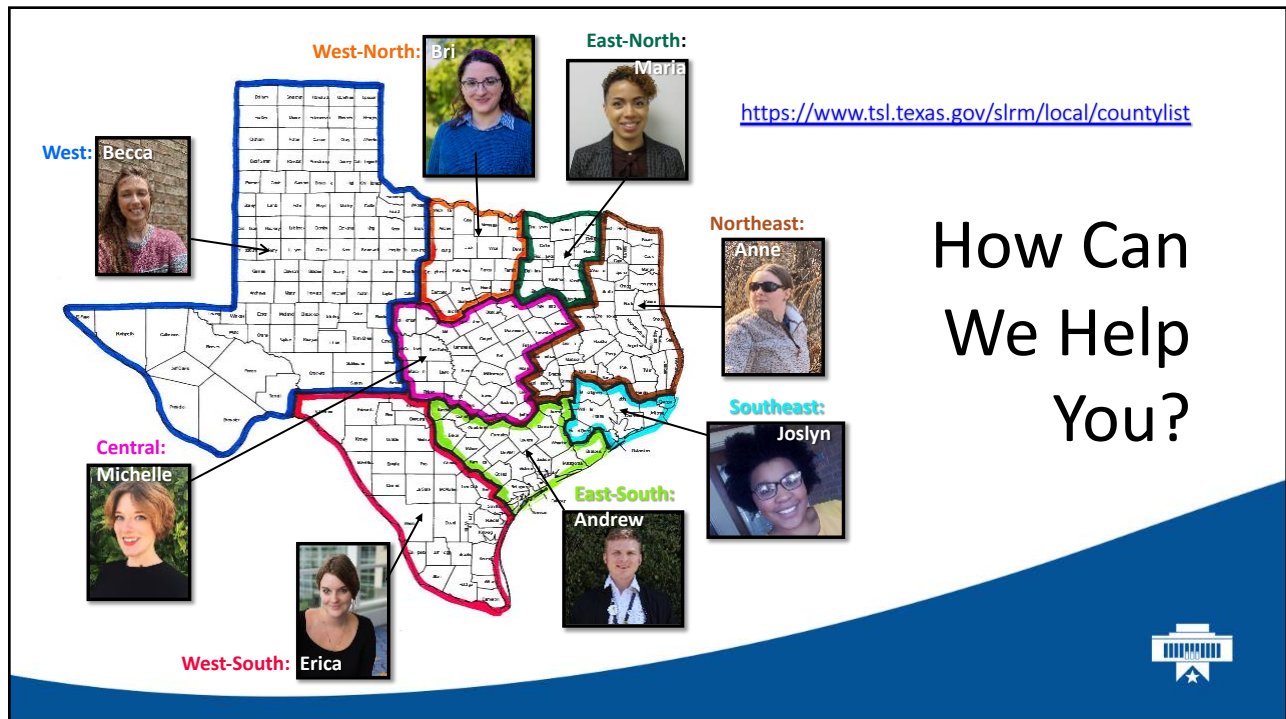
SAFE-D Conference
September 17, 2021

SLRM
STATE AND LOCAL
RECORDS
MANAGEMENT

TEXAS STATE LIBRARY AND ARCHIVES
COMMISSION

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West-North: Bri

East-North: Maria

West: Becca

Northeast: Anne

Central: Michelle


East-South: Andrew

West-South: Erica

Southeast: Joslyn

<https://www.tsl.texas.gov/slrml/local/countylst>

How Can We Help You?



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<https://www.tsl.texas.gov/slr>



TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CONTACT US | VISIT US | ABOUT US

SEARCH SITE | TRAIL | LIBRARY CATALOGS | FIND A LIBRARY OR

Search the TSLAC Site

Archives & Reference | Services for Libraries | Talking Book Program | Records Management

Home > **Records Management**

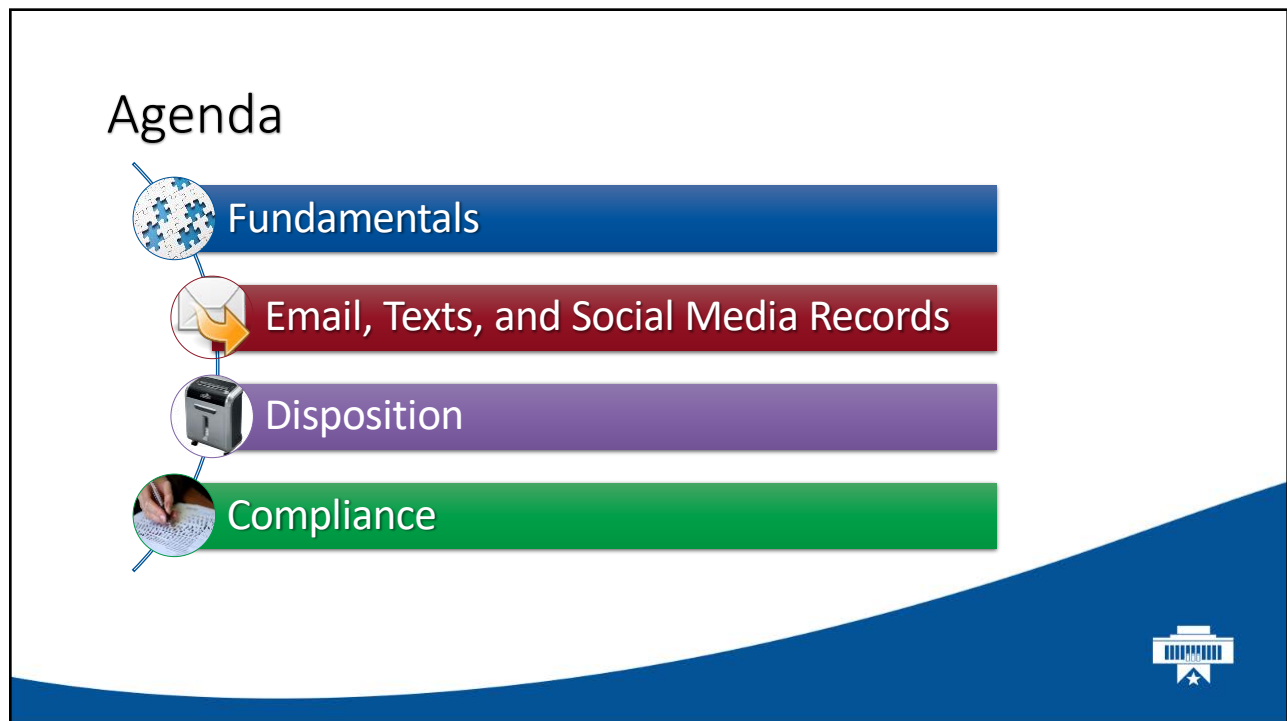
Forms | Laws and Rules | Training

Local Retention Schedules | The Texas Record Blog | Contact Us

512-463-7610
slrinfo@tsl.texas.gov

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Agenda



Fundamentals

Email, Texts, and Social Media Records

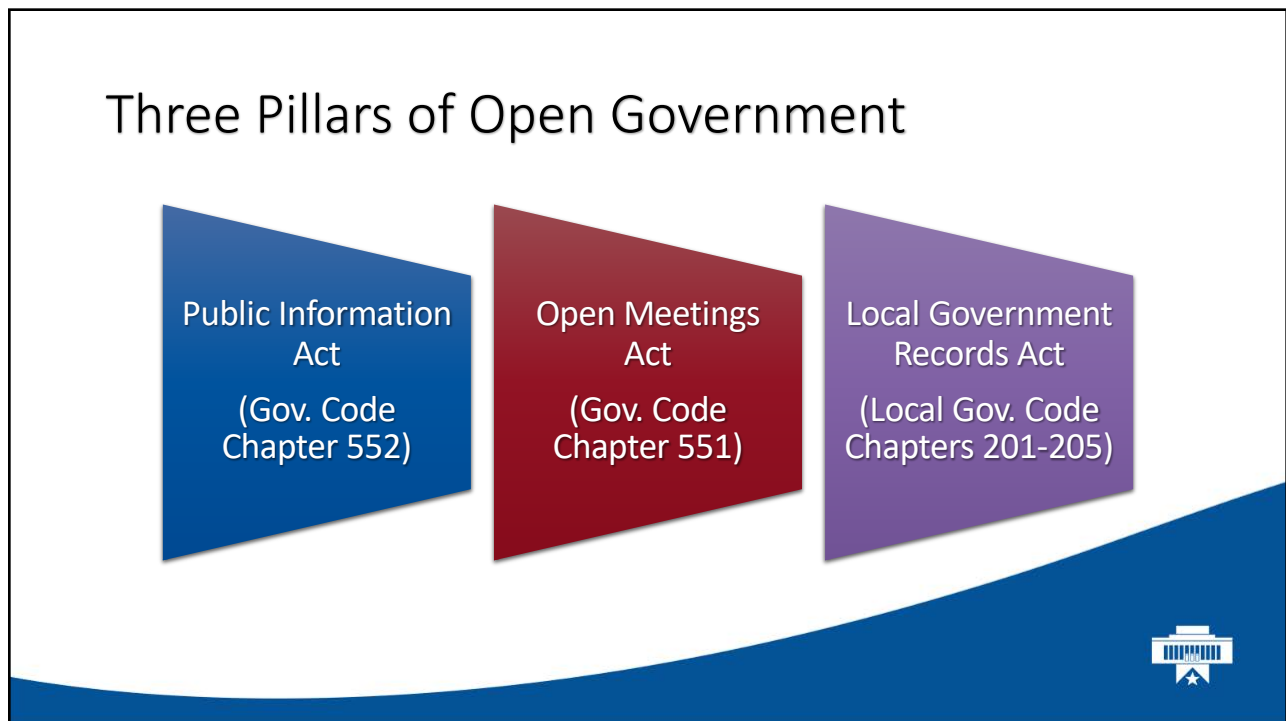
Disposition

Compliance

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Local Government Records Act



Improve efficiency and economic operation of government.



Preserve records of permanent and historical value.



Provide impartial access to records management assistance.



Establish standards and procedures for managing local government records.

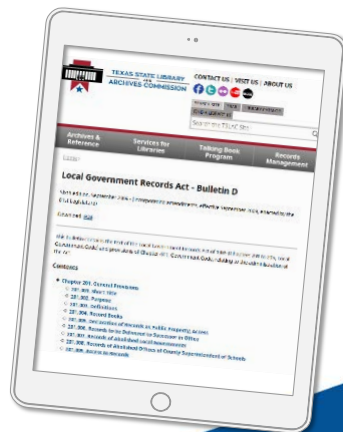


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Laws Published as Bulletin D

<https://www.tsl.texas.gov/slrmpubs/bulletind>

- Definitions
- Local authority
- Role of RMO
- Compliance requirements



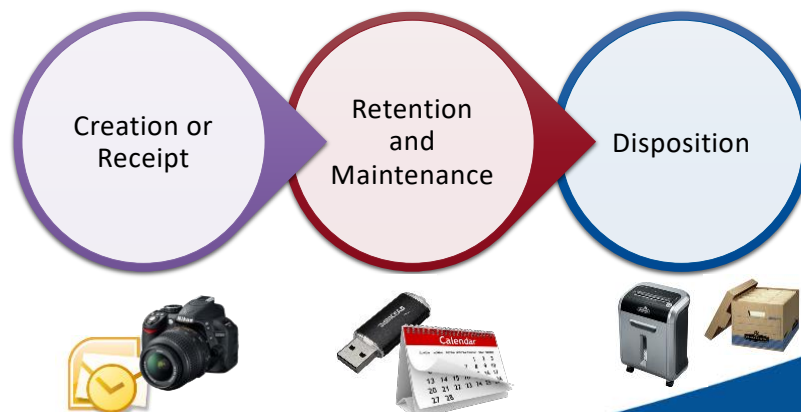
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“The application of management techniques to the **creation, use, maintenance, retention, preservation, and disposal of records** for the purposes of reducing the costs and improving the efficiency of recordkeeping.”



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The Records Life-Cycle



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Benefits of Records Management

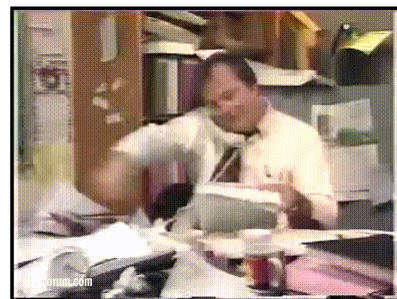
- Legal requirement and protection
- Workflow efficiency
- Timely disposition
- Cost reduction
- Protection of essential records



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Consequences of *Not* Managing Records

- Legal risk
- Longer retrieval times
- Higher costs
- Ongoing obligation to protect records
- Potential criminal penalties
- Negative perception



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A 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



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Non-Records



Convenience Copies



Blank Forms and Stocks of Publications



Library or Museum Materials



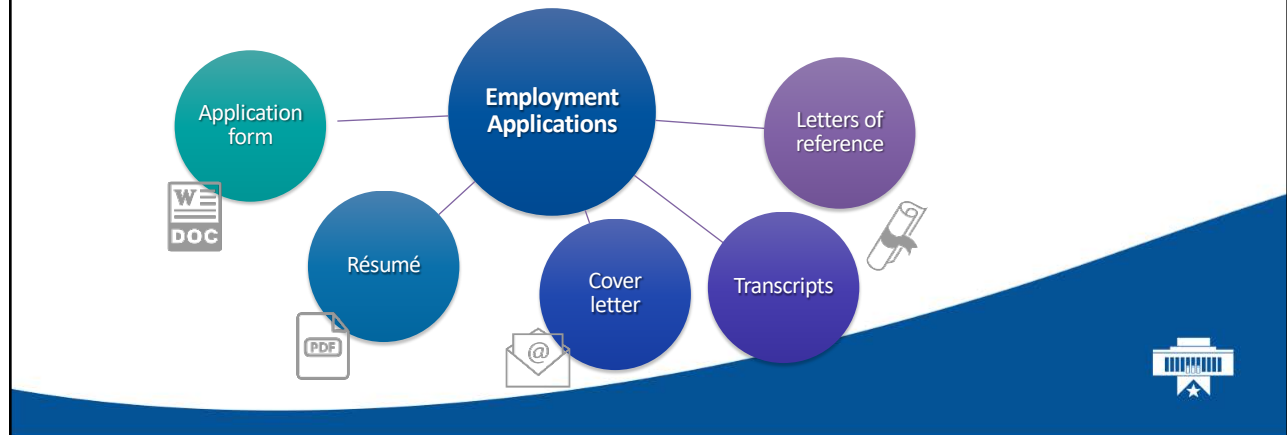
Alternative Dispute Resolution Working Files



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A Record Series Is:

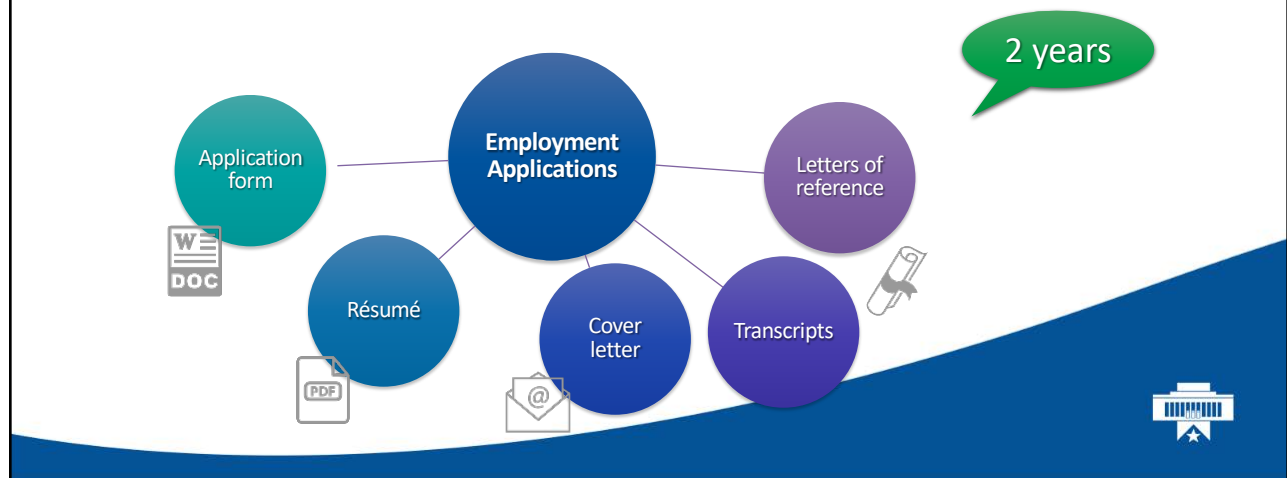
- A grouping of records that all serve the same function and are all kept the same length of time.



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A Retention Period Is:

- The minimum length of time you must keep a record.



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A Retention Schedule:

- Lists all **records series** with mandatory minimum **retention periods**.
- Schedules are **media-neutral**.

Benefits:

- Comply with laws and provide legal protection.
- Convey retention rules to agency staff.
- Identify, secure, and protect vital records.



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Elements of a Retention Schedule

| Record Number | Record Title | Record Description | Retention Period | Remarks |
|----------------------------|------------------------------|---|--|--|
| GR1050-56 | TIME AND ATTENDANCE REPORTS | Time cards or sheets | 4 years | By regulation - 40 TAC 815.106(i). |
| Unique # assigned by TSLAC | What TSLAC calls this series | The scope; what kinds of records would be classified here | Minimum amount of time the records must be kept. | Citations or other notes affecting the retention |



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TSLAC Local Retention Schedules

<https://www.tsl.texas.gov/slr/localretention>

| | | | |
|----|--|----|--|
| CC | • County Clerks | LC | • Justice and Municipal Courts |
| DC | • District Clerks | PS | • Public Safety Agencies |
| EL | • Elections and Voter Registration | PW | • Public Works and Other Government Services |
| GR | • Records Common to All Local Governments | SD | • Public School Districts |
| HR | • Public Health Agencies | TX | • Property Taxation |
| JC | • Public Junior Colleges | UT | • Utility Services |



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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

<https://www.tsl.texas.gov/slr/localretention>



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Local Schedule PS

• **Part 1: Records Common to All Public Safety Agencies**

- GENERAL AND EMERGENCY ORDERS AND RELATED DOCUMENTATION (PS4025-03b)
 - 3 years
- VEHICLE HISTORY AND MAINTENANCE RECORDS (PS4050-04b)
 - 3 years
- GPS TRACKING RECORDS
 - 30 days



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Local Schedule PS

• **Part 4: Fire Fighting and Emergency Medical Service Agencies**

- ALARM, AUTOMATIC SPRINKLER SYSTEM PERMITS... (PS4475-01b)
 - 2 years after expiration, cancellation, revocation, or denial
- DRILL AND SIMULATION RECORDS (PS4475-06)
 - 5 years
- EMERGENCY MEDICAL SERVICE RUN REPORTS (PS4450-02a/b)
 - 2 years if treatment not rendered
 - 7 years or until patient's 21st birthday if treatment rendered



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| 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. | 7 years from date service rendered, or until the patient's 21st birthday, whichever later. | By regulation - 22 TAC §165.1. |
| PS4450-02b | EMERGENCY MEDICAL SERVICE RUN REPORTS | Treatment refused. | 2 years. | |

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Permanent ESD Records:

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



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ESD FAQ

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



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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)



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EMS Providers:

- Contract should include a provision about abiding by the ESD's records retention schedule.
- 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.



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MANAGING EMAIL, TEXTS, AND SOCIAL MEDIA



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Managing Email Records

- Email is a **format**, not a type of record.
- Determine retention by the **content** of the email.
 - Same criteria as paper records.
- Includes email sent on personal devices or in personal accounts if they document the transaction of government business.



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Who Has the Record Copy?

- **Custodian:** The person who has the record copy, which needs to be kept for the full retention period
- Sender is typically custodian of the record copy
- Recipient copy is **also** a record if:
 - You need to take action based on message
 - Message required for adequate documentation of action



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Identifying Email Records

- Identify only the records that apply to you
 - What types of emails do you send or receive?
- Avg. fewer than 10 applicable records series
- Think about your **job functions**
 - *"Is this email related to any of my job functions?"*



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Retention Conscious Email File Plan Example



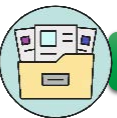
Correspondence

- General – 2 years
- Routine / Transitory - AV



Program Records

- Public Information Requests – Non-Excepted – 1 year
- Public Information Requests – Excepted – 2 years
- Fire Code Violation Complaints – 3 years
- Leave Requests – FE + 3 years



Reference



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Transitory Information – GR1000-50 (AV)

- Temporary usefulness - Not essential to documenting business, fulfilling statutory obligations, and not regularly filed within your office's recordkeeping system
- Examples:
 - Staff meeting notices or reminders
 - Courtesy copies ("cc:")
 - Transmittal letters ("see attached")



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Managing Text Messages

- Refrain from creating government records in this format, if possible.
 - Use email, phone, or talk in person.
- If necessary, use separate devices/accounts for work and personal use.
- If messages are government records, decide how to capture them:
 - Screenshot, save image
 - Forward to email



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Managing Text Messages -Public Information Act

- “Temporary Custodian” – past or present officer or employee creating or receiving public government records on a personal device.
- Must:
 - Forward or transfer records to the governmental body; or
 - Preserve the public information in its original form on the privately-owned device.

<https://www.texasattorneygeneral.gov/open-government>



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Managing Social Media Records

Social Media is public information.

Usage of social media by a local government results in records retention and public access obligations.

Developing a Social Media Strategy will help satisfy those obligations.

- Same approach as email: Social media is a **format**, not a type of record. Determine retention by the **content** of the post.



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Common Social Media Records Series

- **PUBLIC RELATIONS RECORDS (GR1000-33)**
 - 2 years
- **OPEN MEETING NOTICES (GR1000-04)**
 - 2 years
- **EMPLOYMENT ADS (GR1050-13)**
 - 2 years
- **COMPLAINTS (GR1000-04)**
 - 2 years
- **GENERAL CORRESPONDENCE (GR1000-26b)**
 - 2 years
- **TRANSITORY INFORMATION (GR1000-50)**
 - AV



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Content: Public Social Media Content Announcements aka General Public Records aka Correspondence Retention Requirements

Content: Official Press Release on Website aka Information Retention Requirements



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Social Media Policy Elements

- Accessibility
- Privacy & Security
- Open Records Requests
- Records Retention
- Terms of Service
- Moderation and Monitoring
- Intellectual Property Rights and Ownership
- Employee Use
- Linking

DIR Social Media Resource Guide:

<https://www.tsl.texas.gov/slrn/webinars/socialmedia>



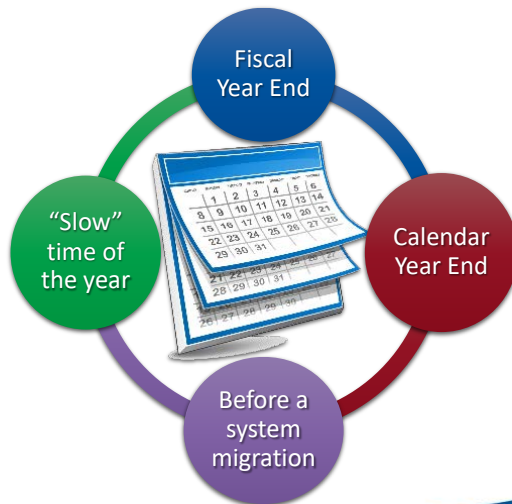
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DISPOSITION

- Types and methods of disposition
- Destruction holds
- Imaging / scanning projects

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When to Do Disposition



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Before Destroying Records

- Has the record met the retention period?
- Are there any copies? Backups?
- Did I receive internal approval?
- Do I have a disposition log?
- Is there a destruction hold?



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Frequently
Asked
Question:

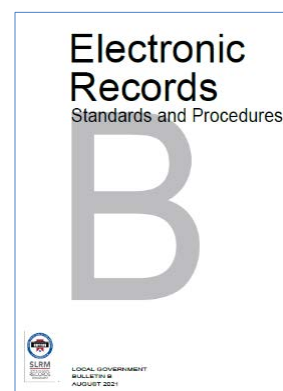
Can a paper record be destroyed
after it has been scanned?



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Yes, **but...**

- Bulletin B Rules apply to long-term records (*>10 Years Retention*)
 - Best practice for short-term records < 10 Years
 - 13 TAC §7.74.(a)(6): Preserve **authenticity, integrity, reliability, and usability** of all electronic records
- Short-term records: wait ~6 months before shredding paper source document.
- Long-term/permanent/vital records: retain the source document as long as possible.



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COMPLIANCE

- Filing a records management policy
- Designating a Records Management Officer (RMO)
- Declaration of Compliance



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“...each governing body by ordinance or order, as appropriate, shall establish a records management program to be administered by the records management officer.” – LGC §203.026



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Policy Template For Non-Elected Offices

- Must designate position of RMO.
- Requires documentation of governing body approval.

[NAME OF LOCAL GOVERNMENT]
RECORDS MANAGEMENT POLICY

The Texas Local Government Records Act (Title 6, Subtitle C, Local Government Code), provides that each local government must establish an active and continuing records management program; and the **[NAME OF LOCAL GOVERNMENT]** desires to adopt a plan to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; now therefore:

SECTION 1. DEFINITION OF RECORDS OF THE [NAME OF LOCAL GOVERNMENT]. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the **[NAME OF LOCAL GOVERNMENT]** or any of its officers or employees pursuant to law or in the transaction of public business, are declared to be the records of the **[NAME OF LOCAL GOVERNMENT]** and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.



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HAS YOUR OFFICE FILED A RECORDS MANAGEMENT POLICY WITH TSLAC?



YES!



NO!



I DON'T KNOW!



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“The records management officer in each local government shall:

- (1) assist in establishing and developing policies and procedures...
- (2) administer the records management program...”

LGC §203.002 and §203.023



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Designation of RMO

- File RMO contact information with TSLAC
 - Form SLR 504
- Signed by the RMO designated in policy.
- Update within 30 days of personnel change.
- Option to be subscribed to The Texas Record blog for news and updates.

**Designation of Local Government
Records Management Officer**

Part 1: Contact Information

Name of County and Elective Office: _____

Name of Officeholder: _____

Mailing Address, City, Zip Code: _____

Business email: _____

☐ Please subscribe me to The Texas Record for news

RMO Signature: _____



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Declaration of Compliance

- **Form SLR 508** – Adopt the retention schedules that apply to the records maintained by your office
- Signed by RMO designated in policy and mail hard copy to TSLAC for filing.

I declare that this local government will comply with the retention schedule:

☒ Schedule GR (Records Common to All Governments)

I declare compliance with the following additional retention schedules issued by the commission:
(check all that apply):

☐ Schedule CC (Records of County Clerks)

☐ Schedule DC (Records of District Clerks)

☐ Schedule EL (Records of Elections and Voter Registration)

☐ Schedule HR (Records of Public Health Agencies)

☐ Schedule JC (Records of Public Junior Colleges)

☐ Schedule LC (Records of Justice and Municipal Courts)

☐ Schedule PS (Records of Public Safety Agencies)

☐ Schedule PW (Records of Public Works and Services)

☐ Schedule SD (Records of Public School Districts)

☐ Schedule TX (Records of Property Taxation)

☐ Schedule UT (Records of Utility Services)



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Download Forms and Templates

<https://www.tsl.texas.gov/slr/form>

- SLR 504 – Designation of RMO
- SLR 508 – Declaration of Compliance
- Policy template



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Next Steps: Training Resources

<https://www.tsl.texas.gov/slrn/training>

- ✓ Webinars
- ✓ Regional workshops
- ✓ Conferences



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The Texas Record Blog

<https://www.tsl.texas.gov/slrn/blog/>

Subscribe to get:

- Announcements
- Notices of upcoming training
- New services
- FAQs and Answers



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E-Records Conference



- Co-sponsored by TSLAC and DIR since 2000
- For government records managers and IRMs
- <https://www.tsl.texas.gov/slr/training/erecords>
- Recaps of conference sessions on The Texas Record blog



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Questions?

- Find the analyst assigned to your county:
<https://www.tsl.texas.gov/slr/contact>
- Main Line: (512) 463-7610
- Email: slrminfo@tsl.texas.gov
- Erica Siegrist, Senior Government Information Analyst
esiegrist@tsl.texas.gov | (512) 463-6623



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