



Records Management & Preservation

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Records Management Overview

- Open Records Basics
- Records Policies
- Retention Requirements
- Record Management Best Practices

Open Records Basics

- Chapter 22 – Open Records Laws
- Set basis for open records and transparency (nearly all governmental records are “open” records)
- Provides requirements and guidelines for handling records requests
- Establishes minimal record management requirements (but few specifics on length of time or method for managing records)

Open Records Basics

- All governmental bodies, officials and employees are covered by Chapter 22
- Each body must designate a “lawful custodian” for its records and must publicly announce who holds that responsibility

Open Records Basics

- Confidential records (Section 22.7)
 - Legal obligation for all city to keep such records confidential
 - City officials may have specific access (including elected officials) but must understand their legal obligation
- Open records violations
 - Court may assess damages/attorney fees if violation found
 - Officials may be removed from office
 - IPIB provides oversight and remediation

What are Records?

- All records, documents, tape, or other information, stored or preserved in any medium
- Belonging to this state or any county, city, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing

What are Records?

- What are electronic records?
 - An electronic record is information recorded by a computer or other electronic device that is produced or received in the initiation, conduct or completion of a city or individual activity
 - Recorded on paper or electronically, documented photographically, recorded in video or audio media, or documented using any other medium

What are Records?

- Examples of e-records
 - Text messages, emails, group chats
 - Photos, images, videos
 - Construction plans/RFPs, GIS, CAD
 - Social media
 - Others?

General City Records Policies

- Who is the legal custodian?
- Section 22.3: “The lawful custodian may adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization.”
- Access and security
- Backups

General City Records Policies

- Mobile phone/electronic device use
- Employees do not own city devices, should not expect any privacy
- Social media
- Electronic document system
- Public access

Records Request Policy

- Each city should have a records request policy
- Specify how public can request records (note that Chapter 22 requires this to be very accessible)
- Establish fees for making copies of records, special media files (USBs, GIS, etc.)
- Establish fee for retrieval time (mainly for bulk and/or unique records requests)

Records Request Policy

- Detail city response process to requests
 - Who will respond?
 - Acknowledgement of request
 - Estimated delivery for requests that take longer than 30 minutes
 - Fee rate as established by city policy (note that state code prohibits fees for requests that take less than 30 minutes)
 - Note need to consult city attorney if/when confidential records may be included in request (and additional time is necessary)

Record Retention Policy

- Each city should have a formal policy
- Detail custodian of records (typically city clerk)
- Many adopt league Record Retention Manual by reference
- Continually review and potentially modify for local needs

Record Retention Policy

- Two major considerations for record management
 - Organization by type of record
 - Retention period
- Common records/retention periods – any guesses?
- Detail how obsolete records will be destroyed

Record Management Systems

- Take inventory – physical and electronic records
- Existing records – what should be kept and for how long (historical, administrative, financial and/or legal value)
- Future records – where will they go? All electronic or mix with physical documents?

Record Management Systems

- **Administrative Value**
Policies, procedures, operations
- **Legal Value**
Rights, obligations, contracts/agreements, legal opinions/decisions, claims, settlements
- **Fiscal Value**
Financial activities (daily, monthly, annual)
- **Historical Value**
Historical significance, needed for future research

Record Management Systems

- Does the city need a document management system? Hardware/software solutions that work?
- If so, what type? Upgrade from old system?
- Scanner for converting physical documents
- Storage – Servers, clouds, backups

Record Management Systems

- Security – who has administrator access?
- Backup plan (for servers and cloud)
- Will public have direct access through system?
- Plan for confidential documents/purging records
 - Automated? Manual?

Record Management Systems

- Retrieval
- Documents must be organized...but how?
- Search capability of system
- Tag/Crosscheck options

Record Management Systems

- Converting physical documents
 - Which documents need to be converted?
 - When can converted documents be destroyed?
 - Who will convert (scan) the documents? Job security!

Open Records Violations and Judicial Enforcement

Section 22.10

- A court can issue an injunction ordering a government body to comply, assess damages between \$100 and \$500, order payment of costs and attorney fees, and remove repeat violators from office
- If a member of a governmental body knowingly participated in a violation, damages increase to \$1,000-\$2,500

Open Records Violations and Judicial Enforcement

Section 22.10

- Ignorance of the law is not a defense
- Damages will not be assessed against officials who voted against the violation, refused to participate in the violation, engaged in efforts to resist the violation, or relied upon a formal opinion of the attorney general, or the advice of an attorney provided in writing or memorialized in a meeting
- Government officials who rely on advice from the Iowa Public Information Board are also protected

Resources

- League materials
 - Resources section (several pages on open meetings, open records, council meeting procedures, voting regulations and more)
 - Open Meetings/Open Records special reports + desk reference
 - Record Retention Manual
- Iowa Public Information Board
(www.ipib.iowa.gov)

We're Here to Help!

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