

## Guidelines for Off-Site Storage of Inactive Local Government Records

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This publication provides advice to local governments on establishing effective policies and procedures for **off-site** storage of their inactive records. In the development of records management programs, it is often helpful to segregate active records -- those that need to be filed for easy retrieval and frequent use -- from inactive records -- those that have served the immediate purpose of their creation and are no longer needed frequently. Local governments lacking sufficient storage space for their inactive records may wish to consider storage in a facility other than space they own or lease, such as storage with a commercial storage facility or with another local government. Such storage is referred to in this publication as off-site storage.

Records stored outside of the government's own premises continue to be the legal responsibility of the local government that produced them. Provision must be made to ensure their preservation, accessibility, and retention. The Local Government Records Law provides that records may be transferred off-site only when such storage meets criteria established by the Commissioner. This publication describes the criteria for off-site storage. In particular, the written agreement outlined below must be prepared and approved by the local government **before** records are transferred. In addition, SARA, acting for the Commissioner of Education, must grant prior written approval following receipt of a written request from a local government for storage of records outside of the government's own premises and buildings. Please note that the Office of Court Administration has issued a policy statement that governs the off-site storage of court records. The policy statement discusses conditions for off-site storage and provides guidelines. Local governments considering storing court records off-site should follow this policy statement and seek guidance from the Office of Court Administration, 25 Beaver Street, New York, NY 10004.

The Local Government Records Law requires each local government to designate a Records Management Officer (RMO) and support development of a coordinated program to ensure the sound management of its records. Records, like other governmental resources, are best maintained close at hand, where they are easily accessible. Usually, local governments are advised to maintain their records on-premises, in secure government-owned or leased buildings, under the direct responsibility of either the department that produced them or the Records Management Officer.

In the development of records management programs, inactive records are identified through an inventory of all of the government's holdings. As an informal guideline, inactive records are those that are used less than four times per year. Many local governments have set up their own **inactive records storage facilities**, secure, specially-fitted rooms or buildings, for the systematic storage and management of their inactive records. Such facilities should be secure enough to safeguard the records and equipped with steel shelving for easy storage and retrieval. Responsibility should be assigned to the RMO or a specific designee, who develops guidelines for transfer of records to the facility, withdrawal from the facility by the originating office, and eventual disposition. **Disposition** means (1) destruction of the majority of the records after they

reach the retention periods established on State Archives Disposition Schedules or other legally approved schedules (for instance, those issued by the Office of Court Administration for court records) or (2) in the case of those records with continuing administrative, legal, fiscal, historical or other value, continuing preservation and special management as part of a local government archival program. Continual use of the schedules to guide destruction of obsolete records ensures that the records storage facility does not become full of unneeded records. The RMO also establishes procedures for access to the records, removal and return of the records, and other conditions of their storage.

Information on development of an inactive records program and inactive storage facilities is available from the State Archives, at the address on the last page of this publication. In most cases, inactive records should be maintained in government-owned or rented facilities to ensure easy access, security, and preservation. Sending records for storage with a commercial facility or with another local government carries the risk that the records may not get the care and attention that they would receive if kept at home. Local officials may find it difficult to discharge their records-related responsibilities if the records are distant from their office and outside of their physical custody and, therefore, not readily accessible. The Archives urges local governments to consider the joint development of cooperative records storage facilities. Such facilities store the records of, and provide service to, the participating local governments. Because of economies of scale, such joint ventures may prove to be especially cost-efficient and therefore beneficial to all participants. For instance, a county may develop a joint program with a city, or towns within its boundaries, with a central records center facility to serve all the cooperating governments. A BOCES might develop a program to serve several school districts. The arrangements for joint control can ensure that each participating government's interests are served and that provision is made for the storage and service of each one's inactive records.

Development of an on-site facility, or a multigovernment facility, may not be possible. Some local governments may lack space to establish an inactive records storage facility, may not have staff to assign to this function, or may conclude that it is more cost-efficient and beneficial to contract with another government or a commercial records storage facility than it is for the government to develop its own records storage site. In other cases, a local government may maintain its own facility but also need off-site storage for overflow materials. In developing plans for storage with a commercial records center, another local government, or other repository, the guidelines set forth in the remainder of this publication should be followed.

Legal requirements for the maintenance and accessibility of records must be met if records are stored off-site. The balance of responsibilities between the government and the storage facility must be spelled out in a written agreement, discussed below. Local governments should give special attention to the following:

**Custodial responsibility.** The local government RMO and/or the official who has legal responsibility for the creation and maintenance of the records must be sure that those responsibilities are met when records are transferred off-site. The off-site facility exercises only **physical** custody but the local government retains legal custody and therefore legal responsibility for the records.

**Records management responsibility.** Arrangements worked out for off-site storage must be compatible with the RMO's responsibilities as defined in the Local Government Records Law and as elaborated in local law, ordinance, resolution, or administrative directive. Usually, the RMO should be assigned responsibility for developing the agreement for off-site storage and for coordinating related arrangements.

**Security and preservation.** Records stored off premises must be accorded at least the same or better security, protection from theft, and preservation that they would have if they had been retained in the government's own offices or storage facility. The facility must be built of fire-resistant materials, should have a fire detection and alarm system, and should have provision for fire suppression. To prolong the life of the records, it is highly desirable to have environmental controls which regulate temperature and humidity and filter out impurities.

**Accessibility.** Local government records in off-premises storage must be easily accessible to the office that originated them and, with the permission of that office under provisions established by the local government, to other people as appropriate. The requirements of the New York Freedom of Information Law must also be observed. In addition, provision must be made for safeguarding records that are restricted or closed to research. Provisions for access must be worked out before records are sent for storage.

**Disposition.** Provision should be made for the eventual disposition of the records. As noted above, in most cases there are only two options: disposal in line with appropriate schedules, or, in the case of archival records, provision for permanent retention, management, preservation, and use. Destruction of obsolete records can be carried out only with the formal permission of the local government's RMO. It is important to destroy obsolete records stored off-site to avoid paying for their storage after they are no longer needed.

Local governments should consider several factors when selecting a nongovernment records facility:

**Services.** What services are needed? Does the facility provide all the services required at the present time and likely to be required in the future?

**Location.** Is the facility reasonably close to the local government? Is access easy when traffic and other factors are taken into account? How long will it take to retrieve and transport records?

**Security.** What security does the facility provide against unauthorized access to the records? What provisions does it have to ensure that records are not misplaced, inadvertently removed, damaged, altered, or stolen?

**Storage features.** Are the facility's temperature and humidity controlled and monitored? Does it have fire detection and suppression systems? Will records be stored on shelves or pallets? How will microfilm, computer disks, or magnetic tapes be stored?

**Reliability.** How likely is the service to be dependable? One good approach is to ask for a list of clients (preferably other local governments) and check with them.

**Cost.** How much will the storage cost? How much will other services such as transporting, retrieving, and copying records cost? Will costs increase as time goes by? Economy is obviously an important consideration; if costs are high or likely to increase, on-site storage may be preferable to off-site.

A written agreement should be concluded to clearly describe and define the conditions of off-site storage of records, whether with another local government, a commercial facility, or some other institution. The local government's counsel should be involved in developing the agreement and/or should approve it before it is finalized. The following issues should be addressed in the written agreement:

**Names of parties involved.** The agreement should include the name and address of the local government, the RMO or other local government official responsible for the records, and the name and address of the storage facility.

**Duration.** The agreement should be for a period of five years or less, subject to review and renewal. This ensures that there will be periodic attention both to the records in storage and to the suitability of the storage services.

**Costs.** The agreement should spell out the costs, including storage costs and, where appropriate, the cost of pulling particular records and transporting them back to the local government when they are needed for reference, and the costs of special services such as storing microfilm or computer tape.

**List and description of the records.** The agreement should list the records, including the name of the records series, inclusive dates, quantity/volume (number of volumes or boxes, cubic footage), type (files, bound volumes, computer disks or tapes, microfilm rolls), and physical condition of the records.

**Security.** The agreement should indicate that the records remain in the legal custody of the local government. It should spell out the responsibility of the receiving facility for their physical security and custody, environmental conditions and access. It should also include provision for maintenance of confidential materials where access is restricted and for materials which are sealed or otherwise closed to research.

**Services.** The facility's services should be spelled out. These may include, where appropriate, providing access to particular records with the authorization of the local government and retrieving and temporarily returning records to the office of origin when needed.

**Approval of the agreement.** This will depend on the local government's requirements for approval of agreements. It should have the approval, however, of: (1) the legal custodian of the records; (2) the Records Management Officer; (3) the local government's Counsel; and (4) the chief executive and governing body, usually by formal resolution. Under some circumstances, local governments may wish to send archival records to some other institution, such as a library, museum, or historical society. Archival records are those that must be retained permanently because of their administrative, legal, historical, or other research value. The records designated

with "PERMANENT" retention periods on the Archives' schedules are archival. Individual local governments may have additional records which they designate as archival because of their informational content or potential research value. The Archives provides guidance and advice in the development of local government archival programs. Archival records, because of their continuing research value, warrant special care and management. The preferred approaches are for local governments to make provision for caring for their own archival records, as part of developing a total records management program, or for two or more local governments to jointly develop programs to care for their archival records. Instead of developing an archival program, local governments sometimes deposit or loan selected archival records to libraries, historical societies, or other institutions. The objective in sending archival records off-site is to provide for special care and expertise and to ensure that the records will be available for research use. It is worth emphasizing again that it is only **physical** custody that is being transferred. **Legal responsibility** for the records remains with the local government that created them.

Local governments have a special responsibility for the maintenance, preservation, and accessibility of their archival records. Usually, deposit or loan of selected archival records to another institution is not a well-advised move. Few repositories have the staff, secure facilities, appropriate storage space, and other resources to care for local government records in addition to the repository's other holdings. Initially, the records may receive good care, but later the quality of care may diminish as the repository's staff, space, or other resources are needed for other holdings. This approach is advisable **only** if it is very carefully planned and negotiated and includes a written agreement, approved by the governing bodies on both sides. The agreement should state explicitly who has continuing responsibility for care, protection, arrangement, description, and reference services. It should also state how these functions are to be performed and supported. Such arrangements require prior review and approval of the Archives. Local governments should contact their Regional Advisory Officer for more information.

State Archives personnel will assist local governments in assessing their records storage needs and developing plans to meet them, including consideration of storage in off-site facilities.

The State Archives provides records management services to local governments including technical advice and assistance, publications, training and presentations, and consultations with local officials concerning records and information management issues. The Archives has regional offices throughout the state; each office has an expert records specialist who can visit local governments and provide on-the-spot advice. These services are supported by the Local Government Records Management Improvement Fund. For further information, contact your regional office or:

Government Records Services  
State Archives  
State Education Department  
9A47 Cultural Education Center  
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(518) 474-6926