

Town of Big Thunder

Manual of Records Management Policies and Procedures

Explaining the Sample Procedures Manual

This manual was written for a fictional town that is intended to serve as a model for hundreds of towns and other local governments in Upstate New York. The town is medium sized, with little or no staff beyond elected town officials. The town does not have internal support for information technology but instead relies on a vendor for its computer support. Thus many of the functions that in a larger town would be shared by the town clerk, as records management officer, and a director of information technology fall to the town clerk alone.

The following policies and procedures manual is meant as a sample only. Do not feel compelled to adopt each of the policies and procedures outlined within this manual, but instead use these to determine what kind of information may be important for you to include in your own manual. You need to develop a manual that best suits your particular needs and the range of your own records management program.

Also, you can develop your manual with any style that seems useful and usable to you. You can use any numbering system you want for your manual, including none at all. You can include whatever parts of this sample manual seem useful to you and exclude the rest, and you can make your manual as long or short as you see necessary, because you are making the decisions for your own program.

Explaining the Manual's Entries

Below are explanations of the various fields that occur in each of the manual's entries, along with a brief description of the information these fields contain and a few notes on how you might use these fields.

Number: **The unique number for that section**

This sample manual uses a consistent numbering system. You may decide on an alternate system or do away with numbering altogether.

Title: **The topic for that section of the manual**

Titles help the user understand and find relevant information in the manual more quickly.

Date: **Date that section was approved**

This manual doesn't include dates, but they may help you distinguish an obsolete entry from a current entry. Some manuals also include a field that includes the first date an entry was approved.

Purpose: **The purpose for this section or this policy**

Some manuals provide a purpose for each entry in the manual, although this manual does not. The purpose field is essentially an explanation for why the policy was needed in the first place.

Exhibits: **Attachments needed to clarify the policy, including sample forms, illustrations, and lists**

This manual assumes that all exhibits are filed in the appendices to the manual. Note that the manual mentions whenever there is such an attachment.

Procedure: **The procedures to follow for that policy**

Along with the title and date fields, this is one of the most important fields to include in a policies and procedures manual. This field isn't specifically labeled in this manual, but the procedure consists of a description of the actual steps someone must follow for an established policy. The manual also refers to more detailed procedures that may exist separately as a freestanding document.

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I Records Management Program

I.1 Records Management Manual

I.1.1 Purpose of the Records Management Manual

The purpose of this manual is to provide an overview of all records management policies and procedures in the Town of Big Thunder. Secondly, the manual outlines the records management services provided to all departments of the town through the Town Clerk (as Records Management Officer). The Town will create separate, more detailed procedures as needed to meet the policies outlined here.

I.1.2 Revision of the Records Management Manual

Anyone may suggest revisions of and additions to these policies and procedures. The Records Advisory Board* will review suggested revisions to the records management manual.

The Records Advisory Board will periodically review these records management procedures to ensure they are up to date and complete.

**[Some local governments may not have a Records Advisory Board due to their size or structure, but one should be established if at all possible. Such a board is useful to coordinate records management at all departments, including those not located at Town Hall. See Section I.5.1, below.]*

I.1.3 Approving Items in the Records Management Manual

The Town of Big Thunder's Town Clerk will have the final authority to approve changes to this records management manual.

I.1.4 Distributing the Records Management Manual

The Town Clerk (as Records Management Officer) will distribute the manual and any updates to each department head in the town and to all town staff that request copies. A master copy of this manual will also be filed on the town's Local Area Network (LAN).

New employees will be informed of the manual as they begin to work for the town.

I.2 Records Management Program Explanation

I.2.1 Concept of Records Management

Records management is the systematic creation, organization, maintenance, use, and periodic legal disposition of records.

As government officials, we are legally required, per Article 57-A of the Arts and Cultural Affairs Law, to maintain and preserve records because they belong to the public and protect the rights and interests of our taxpayers. At the same time, the town manages records to lower its operational costs and increase efficiency.

I.2.2 Specific Benefits of a Records Management Program

- a) Ensures that records management is a continuing administrative function of the town's operation and not just a periodic housekeeping function.
- b) Provides a clear, legal basis for actions pertaining to records and a clear definition of who is responsible for the varying aspects of the record management program.
- c) Demonstrates to all town employees the commitment to, as well as the significance and legal basis of, the records program.
- d) Shows the public and taxpayers the serious intent of the town to maintain accessible, usable, and reliable records.

I.2.3 Records Management Program Objectives

- a) Ensure the creation of records that contain accurate, complete, and usable information.
- b) Save the taxpayers money through the efficient administration of information resources.
- c) Prevent the creation of unnecessary records.
- d) Ensure the systematic legal disposition of obsolete records.
- e) Preserve records with permanent value.
- f) Continue to evaluate the records management program and environment in which it operates for evidence that change is needed.
- g) Ensure that information is recorded and maintained as efficiently as possible.
- h) Enforce measures that ensure the protection of records vital for the operation of the town.
- i) Provide information quickly and easily when needed internally and by the general public.

I.3 Records Management Program Responsibility

I.3.1 Town Clerk is Records Management Officer (RMO)

Under the provisions of Article 57-A, Arts and Cultural Affairs Law (“Local Government Records Law”) the Town Clerk of the Town of Big Thunder is automatically the Records Management Officer (RMO), and the Town will notify the State Archives each time a new Town Clerk takes office.

I.3.2 Records Management Duties of the Town Clerk

- a) Initiate, coordinate, and promote the systematic management of the town’s records in consultation and cooperation with other town officers and the Records Advisory Board.
- b) Work with department heads to guide the development and application of records management practices for town offices.
- c) Ensure the legal destruction of obsolete records.
- d) Serve as chairperson of the Records Advisory Board.
- e) Compile and maintain an updated list of town records.
- f) Provide appropriate storage for records that have not met their legal retention period.
- g) Ensure the sound management of archival records and their availability for research.
- h) Consult as necessary with the State Archives and other state agencies involved in records creation and management, such as the State CIO/Office for Technology (CIO/OFT) and the Office of Court Administration (OCA).
- i) Promote the records management program, especially its contribution to efficient operation and its overall savings to taxpayers.
- j) Coordinate the development of funding strategies to improve the management of town records, including the submission of LGRMIF grant applications.
- k) Participate in developing information technology systems.
- l) Ensure staff have adequate records management training and training in these policies and procedures.

*I.3.3 Records Advisory Board**

The Town Clerk is Chair of the Records Advisory Board.

The Records Advisory Board will consist of liaisons from all departments. The Town Historian will serve as an ex-officio member of the board.

The board may include members of the general public as board members see fit.

**[Some Local governments may not have a Records Advisory Board due to their size or structure, but one should be established if at all possible. Such a board is useful to coordinate records management at all departments, including those not located at Town Hall.]*

The Records Advisory Board will have the following duties:

- a) Provide advice to the Town Clerk on the development of the records management program
- b) Periodically review records inventories for completeness and accuracy
- c) Periodically review the performance of the program and propose improvements
- d) Provide advice on the appraisal of records for archival value
- e) Actively support and promote the records management program

The RMO will provide for the scheduling of meetings on an as-needed basis.

All actions of the Board require a quorum. A quorum consists of the chairperson or designated alternate, plus a majority of board members or appointed alternates.

Board actions and recommendations will be decided by consensus or by a simple majority vote of members present at the meeting.

I.3.4 Records Management Coordinator

The town RMO has designated the deputy town clerk as an assistant with records management activities.*

**[This designation is especially recommended for large towns where the Town Clerk has various other important administrative responsibilities.]*

I.3.5 Records Management Office Liaisons

Each department must designate a specific staff person as records liaison. The liaisons serve on the Records Advisory Board. The Town Clerk (as Records Management Officer) will

maintain an updated list of liaisons and communicate records management policies to them on a periodic basis (see the Appendix).

I.3.6 Supervisor and Town Board

The Town Supervisor and Town Board authorize the responsibilities outlined in this records management manual and authorize the development of the policies and procedures within this manual. In general, the Town Supervisor and Town Board are responsible for supporting the work of the RMO, as are all officials of the town.

I.4 Ownership of Government Records

I.4.1 Ownership of Government Records

The records created and received in the transaction of town business belong to the town and are maintained by town personnel for the benefit of the public and all levels of government.

I.4.2 Active Records

Records that are still being actively used may remain in the town department that created them.

I.4.3 Inactive Records

By law, the Town Clerk (as Records Management Officer) has physical custody but not ownership of inactive records, even if the records are maintained in a storage area under the clerk's control.

I.4.4 Records Created by Contractors for the Town

All records produced by any consultant or other contractor (architect, lawyer, engineer, consultant) for the Town of Big Thunder are the property of the town. The contractors may, however, retain copies of these materials for their own records. All pertinent contracts will include these stipulations concerning records.

I.4.5 Court Records

The New York State Office of Court Administration has jurisdiction over all town court records. Under the Uniform Justice Court Act, town justices have custody of their own records while they are in office. When the town justice leaves office, the records must be transferred to the custody of the town clerk. The town clerk, with permission from a presiding justice, grants access to inactive court records.

I.4.6 Vital Statistics

Vital statistics created after 1880 are records of the State of New York, under the oversight of the Department of Health (DOH). The Town Clerk, as Registrar of Vital Statistics, is considered an agent of DOH. While these records are created and held by the town, DOH maintains regulatory authority over how they are maintained, accessed, and disposed of.

II Creation of Records

II.1 Official Copies of Records

II.1.1 Definition of “Official Copy”

Each records series in the town is either

- a) The official copy (sometimes called the “record copy”) of that series that needs to be kept for meeting the official retention period, or
- b) A duplicate copy of that series (or individual records contained in the series) that may be destroyed when no longer needed unless that duplicate copy is covered by a separate item on *Schedule MU-1* or the OCA or Department of Health (DOH) schedules.

II.1.2 Identifying the Official Copy

The department that created or received the record holds the official copy.

II.1.3 Definition of Non-records

Certain published materials (e.g., copies of state laws and guidelines) as well as books are considered library materials under law, unless they are part of specific records series. These materials can be destroyed when no longer needed by town departments.

II.1.4 Microfilm or Electronic Records as Official Copy

If the town has duplicated paper records with microfilm or imaging, the microfilm or digital images can be considered the official copy, assuming that the town has followed requirements outlined in State Archives regulations (Section 185.8, *8NYCRR*). Electronic copies must be accessible and usable for the entire required retention period. The original records can then be disposed of unless they need to be retained because they predate 1910 and/or possess intrinsic value.

II.2 Standards for Records Creation

II.2.1 Formats for Records Filed with the Government

Town officers, working with the Town Clerk (as Records Management Officer), will determine when the town will require that records filed with the town be created in a certain format, if legally permitted. The reasons for such requirements would be to ensure that the records are filed in the most usable form and prevent against having to convert the records at town expense.

II.2.2 Required Format for Plans Submitted by Architects and Engineers

The Town of Big Thunder requires that any final plans or designs for town buildings or properties be submitted in a computer-aided design (CAD) format compatible with the town's CAD system, and that electronic copies of maps and other spatial data files be submitted in a format compatible with the town's Geographic Information System (GIS).

II.2.3 Use of Compatible Software and Hardware within the Town

The Town of Big Thunder is dedicated to ensuring that all offices within the town can share data easily. Before purchasing any software, a town department must contact the Town Clerk (as Records Management Officer), who will work with the town's computer support vendor to ensure compatibility.

Purchase and use of all peripheral devices such as scanners, digital cameras, personal desk assistants, and other mobile devices must be approved by the RMO.

II.2.4 Production of Archival Records on Durable Media

To ensure the preservation of archival records, town departments need to consider what materials to use to produce such records. For example, the Town Clerk uses heavy, high-quality, alkaline paper for the official copy of town annual reports, minutes, and proceedings.

Other archival records generated by the town should be produced on high-quality, alkaline paper or produced in such a way that they can be microfilmed, scanned, or migrated easily.

II.3 Forms Management

II.3.1 Approval and Control of Forms

The Town Clerk (as Records Management Officer) is responsible for monitoring the development of town forms to ensure that any proposed form

- a) is necessary to collect standardized information
- b) does not overlap or duplicate existing forms
- c) follows the town's design requirements

The Town Clerk will retain an up-to-date master file of all current and approved forms.

II.3.2 General Forms Design

When designing forms, take into account the information needed, how it will be used and who will use it.

Include concise and clear instructions on all forms.

Include enough space to record the requested information

Each form must include, in a conspicuous manner, the:

- a) Name of the town
- b) Name of the department in charge of the form
- c) Mailing address and telephone number

Do not include the names of personnel on forms, since that would require more frequent updating.

II.3.3 Design of Electronic Forms

Electronic forms are those forms the town makes available via email and on the town's web site.

Users must be able to fill out electronic forms online.

Design electronic forms so that they may be submitted over the Internet or printed out and mailed to the town.

Design electronic forms so users can tab from field to field in the form sequentially.

II.3.4 Forms Review

The Town Clerk and Records Advisory Board will formally analyze each of the town's forms every few years.

This analysis should include interviews with staff and should cover

- a) whether the forms are being used
- b) whether the forms are still meeting the needs of the town
- c) whether changes in town functions require changes to the forms

II.3.5 Disposition of Forms

Whenever a form is retired or superseded, the town department using that form must be sure to destroy all blank copies of the obsolete form.

II.4 Producing Minutes of Hearings and Public Meetings

The Town Clerk (as Records Management Officer) ensures that all hearings and public meetings are recorded in audio or video recordings and transcribed properly by following acceptable standards and procedures. The Town Clerk will maintain the recording media for four months or until any questions related to the hearing or meeting have been resolved.

The Town Clerk is responsible for ensuring the minutes are created electronically and added to the town's full-text searchable program.*

[This is a generic term meant to represent several commercial options available for making meeting minutes full-text searchable. This town has chosen specialized search software over manual indexing to locate information in meeting minutes.]

III Retention and Disposition of Records

III.1 Retention Schedules

III.1.1 Adoption of Appropriate Retention Schedules

The Town of Big Thunder has adopted and follows the State Archives' *Records Retention and Disposition Schedule MU-1* ("Schedule MU-1"). Each town department follows the minimum retention periods outlined in the office retention schedule developed by the town clerk for that department from the *Schedule MU-1*. (See Appendix for copies of office retention schedules.) The Town Clerk will contact the State Archives if records are not covered in the *Schedule MU-1*.

III.1.2 Disposition of Court Records

Each town justice must follow the current *Records Retention and Disposition Schedule for Criminal Records of the Criminal Court* and *Records Retention and Disposition Schedule for Civil Records of Civil Court* from the Office of Court Administration (OCA).

When a town justice decides that the records have met their retention and may be disposed of, the justice must complete the Records Disposition Request Forms for these records and submit them to the Town Clerk. In addition, forms must be prepared and submitted to OCA for its approval. (See Reference Materials.)

When approval is received for disposition of court records from the above office, the town justice must follow the Unified Court System's current Records Management Policy.

Inactive court records (records of a justice who has left office) must be transferred to the physical custody of the Town Clerk. Permission to access those records must be granted by a presiding justice.

III.1.3 Disposition of Vital Statistics Records

Records of births, deaths, and marriages (dating after 1880) have been scheduled in the agency-specific records schedule for the Department of Health. If questions arise, the Town Clerk will contact the State Archives and/or the Department of Health.

III.1.4 Disposition of Canceled Obligations

The disposition of canceled obligations (including bonds and notes) is covered by Section 63.10 of the Local Finance Law and Part 55 of 2NYCRR. If questions arise, the Town Clerk will contact the State Archives and/or the Office of New York State Comptroller.

III.1.5 Exceptions to General Retention Rules

In some situations, the regular rules concerning the retention of records do not apply. Town departments must keep in mind the following exceptions:

- a. In the event of legal proceedings, FOIL requests, and audits, the town must retain the corresponding records until the event has totally concluded.
- b. If the record is not covered by an item on the *Schedule MU-1*, then a department must contact the Town Clerk, who will work with the State Archives to develop a retention schedule item covering these records.
- c. If a town department has decided to retain its records for longer than the mandated minimum, the town will alert the Town Clerk, who will note this in the office retention schedule for that department.
- d. If records are damaged by a disaster, the Town Clerk (as Records Management Officer) will seek permission from the State Archives to dispose of the records if their retention periods have not been met.
- e. Records predating 1910 cannot be disposed of without express written approval by the State Archives. These special disposition requests are handled by the Town Clerk (as Records Management Officer).
- f. If records are appraised as archival.

III.1.6 Appraising Records

The Town of Big Thunder may believe that certain records that have been assigned less than permanent retention warrant permanent preservation for historical research and other reasons.

The Town Clerk (as Records Management Officer) will coordinate an appraisal of these records with the Records Advisory Board to determine if the records are in fact archival and require permanent retention.

If the Records Advisory Board determines by consensus that the records are archival, the town will retain the records permanently.

If the Records Advisory Board determines by consensus that the records are not archival, the town will dispose of the records according to the retention period stipulated in the *Schedule MU-1*.

III.2 Records Disposition

III.2.1 Documenting Disposition

Town personnel will not destroy or otherwise dispose of records before obtaining a Records Destruction Authorization Form signed by the Town Clerk and the appropriate department head:

- a) To document that the department head and the Town Clerk (as Records Management Officer) authorized disposition of the records
- b) To document that the records were actually disposed of in accordance with records retention requirements

The Town Clerk will maintain a file of completed Records Destruction Authorization Forms.

For records requiring an extension to their retention period, a revised disposition date will be negotiated with the department and entered into the appropriate office retention schedule.

III.2.2 Methods of Destruction

The Town of Big Thunder will make every attempt to see that all obsolete town records are disposed of through recycling.

However, prior to recycling, the town will make certain that all confidential records are shredded or destroyed by other means that ensure confidentiality. Computer hard drives containing confidential information should be cleared (“ghosted”) prior to disposal of the hardware.

The Town Clerk (as Records Management Officer) will arrange for appropriate records disposal.

III.2.3 Donation as a Form of Disposition

Disposition may include the donation of records to the Big Thunder Historical Society, the Big Thunder Free Library, or another repository. All cases of donation will be documented with a Deed of Gift form signed by the Town Clerk.

III.2.4 Disposition Day

In May of every year, the Town Clerk of the Town of Big Thunder will announce a “Disposition Day” to encourage people to check the records in their offices, dispose of unnecessary records, and transfer inactive records to the Town Clerk’s office for inactive storage.

IV Storage and Preservation of Records

IV.1 Storage Supplies and Equipment

IV.1.1 Purchase of Storage Equipment

All town employees are encouraged to consult with the Town Clerk before purchasing records storage equipment. The Town Clerk can help identify equipment that will ensure the security and accessibility of records while maximizing use of space.

IV.1.2 Shelving Units

Shelving units for records storage must meet specifications outlined in State Archives Publication #65, *Recommendations for Shelving for Inactive Records Storage*.

IV.1.3 Records Storage Cartons

Generally, the town will use standard double-walled, cubic-foot records storage cartons to store its inactive records. Town staff must consult with the Town Clerk when non-standard storage cartons are needed.

IV.1.4 Storage of Master Microfilm Rolls

The town will store all master microfilm with a commercial records storage vendor, as arranged by the Town Clerk (as RMO).

IV.1.5 Storage Environment

The town will strive to ensure that storage conditions for all records are at least relatively consistent, with moderate temperature and humidity throughout the year. The Town Clerk will monitor the records storage area for signs of dampness or mold, and the area has been equipped with a flood alarm.

IV.2 Inactive Records Storage

IV.2.1 Determining What Records to Transfer to Inactive Storage

Department staff should refer to their office retention schedule (see the Appendix) to decide what records are inactive and can be transferred to the town's inactive records storage area. Departments should also consult the Town Clerk (as Records Management Officer) when this need arises.

IV.2.2 Preparing Records for Transfer to Inactive Storage

Each department is responsible for boxing its records for inactive storage.

Standard records storage cartons are available through the Town Clerk. Each department must box its records in standard records cartons, unless the size and format of the records requires storage in nonstandard containers.

IV.2.3 Preparing the Records Transfer List Form

Once the boxes are ready, the department should complete a Records Transfer List Form for records stored by the town.

IV.2.4 Records Delivery to Inactive Storage

After receiving a completed Records Transfer List Form, the Town Clerk (as Records Management Officer) will coordinate delivery of records to the inactive records storage area.

IV.2.5 Labeling Records Storage Boxes

Every records center box in town storage areas will include an official Records Storage Carton Label affixed to the front end of the box. This label will include the record series title (i.e., "Purchase Orders"), years (i.e., "1998"), and range (i.e., "3001-4448") as well as the date of disposition (or "PERMANENT" for permanent records).

IV.3 Storage and Preservation of Electronic Records

IV.3.1 Backup Procedures

The town's computer support vendor will be responsible for maintaining the backup system, which backs up all records, information systems, and software applications on the town-wide Local Area Network (LAN) on a daily and weekly backup schedule. Staff should back up working documents and other corporate files that are maintained on their personal computers.

Daily and weekly backups will be stored offsite. (See the Appendix for Electronic Records Systems Procedures.)

IV.3.2 Use of Backups

Backups are intended as a disaster management measure in case a sudden, unexpected event destroys or prevents access to the records system. Backups are not intended as a preservation measure. The town clerk will create and maintain a duplicate, uncompressed copy of vital or archival electronic records, such as the town's collection of scanned images.

IV.4 Imaging and Microfilming

IV.4.1 Imaging/Microfilming Contracts

The Town of Big Thunder will reformat all of its records using an imaging/microfilming vendor, and the town will maintain service contracts in all such instances (see Appendix for examples). The contract will follow guidelines that the town uses for other contracts and in addition it will follow the guidelines outlined in State Archives Publication #77, *Managing Imaging and Micrographics Projects* and Publication #9, *Producing High-Quality Microfilm*.

IV.4.2 Storage of Microfilm Masters

The Town of Big Thunder will store all its master microfilm offsite.

The Town Clerk (as Records Management Officer) will ensure that

- a) the town's micrographics storage vendors will store microfilm according to professional standards
- b) the storage facility is located outside of the immediate geographic region of the town
- c) microfilm copies of any film, in case of a disaster, can be retrieved within 24 hours

IV.4.3 Use Images

Microfilm is produced as a master copy only. The Town Clerk will arrange for a copy of the microfilm to be made available in digital format on CDs. Those records requiring access by all town staff will be downloaded and filed on the town's LAN.

IV.4.4 Maintenance of Images

The Town of Big Thunder will maintain procedures that provide detailed information on the imaging system's records throughout their life cycle. Such procedures include

- a) the steps leading up to the storage of records
- b) plans for redressing tampering and deterioration
- c) the steps involved in the retrieval and destruction of records
- d) plans for technology migration
- e) the steps which ensure consistent quality control and problem resolution
- f) staff roles and responsibilities
- g) staff maintenance of operation logs and run schedules to document reliability of the system
- h) adequate facilities, policies, and procedures to ensure that records stored offline will be accessible, usable, and understandable for as long as they are needed.

IV.5 Records Security

IV.5.1 Physical Security

All offices holding records, including records on office personal computers, will be locked at the end of each day.

Active records that require extra security, including confidential records, will be stored in locking filing cabinets.

The records storage area will be locked whenever there is no immediate need to enter it. Distribution of keys to the records storage area will be strictly controlled by the Town Clerk.

IV.5.2 Passwords

Staff will be required to use passwords to access the LAN and the email system. Additional passwords may be needed for specific electronic applications (the financial management system, for example) to prevent unauthorized access. All staff are encouraged to use passwords to access files stored on their own personal computers as well. Password criteria and suggestions are found in the Appendix.

IV.5.3 Electronic Records System Security

Department managers will identify appropriate access rights to files on the LAN for each user. The level of user rights will be

- a) none

- b) read rights only
- c) read and write rights for specific LAN files or folders

The Town Clerk will work with the computer support vendor to implement and maintain these access rights. Department managers should notify the Town Clerk if access rights need to be changed.

IV.5.4 Computer Security

The town's computer support vendor is responsible for providing virus detection software, keeping the software up to date, and informing employees of potential viruses. The vendor will also install and maintain appropriate firewalls.

Town employees have the responsibility to ensure they never install or run software from unknown sources and keep their computer software up to date. They must be sure any other computer used for town business—including their home computers—adheres to these guidelines

IV.5.5 Response to Security Breaches

Staff should be aware of electronic security policies, bulletins, and warnings developed by the state CIO/Office for Technology and available on that agency's website.

Local governments are required by Section 208 of the State Technology Law to disclose to New York State residents and three specific state agencies when records with personal private information was or may have been acquired by a person without valid authorization. The town has adopted a policy consistent with the terms of this statute, which is attached in the Appendix.

IV.6 Vital Records Protection

IV.6.1 Identifying Vital Records

The Town Clerk's office, in cooperation with individual departments and units, will identify and maintain a list of the vital records in each town department. (See Appendix for List of Vital Records.)

Vital records are those records whose loss would seriously impair the departments of the Town of Big Thunder from fulfilling their work requirements.

IV.6.2 Methods of Protection

The town uses two methods to protect its vital records:

- a) Protect onsite in fire-resistant cabinets and in a storage area with fire-resistant sheetrock and a fire suppression system.
- b) Protect by storing copies (including microfilm copies) in a safe, offsite location

At least once each year, the Town Clerk (as Records Management Officer) will review whether all vital records receive proper protection.

IV.7 Disaster Response Plan

IV.7.1 Responsibility

The Town Clerk will ensure that the Town of Big Thunder has an up-to-date disaster response plan that addresses how to respond to various disasters affecting town records. This plan should be incorporated into the town's overall disaster response plan. The county emergency services coordinator and the State Archives should be consulted for their expertise in this area.

IV.7.2 Updating the Disaster Plan

The Town Clerk (as Records Management Officer), working with the Records Advisory Board, is responsible for ensuring that the disaster response plan is evaluated and updated on a regular basis.

IV.7.3 Testing the Disaster Response Plan

With any change to the disaster response plan, the Town Clerk (as Records Management Officer) and the Records Advisory Board will develop testing criteria for disaster response to determine their viability.

The Town Clerk's office and all other departments will carry out such testing, which currently includes annual tabletop testing and physical testing on an ad hoc, unannounced basis (to ensure it is a true test).

In addition to the Town Clerk and Town Supervisor, all department managers will be required to maintain a paper copy of this plan in their offices and at their homes.

V Records Retrieval and Access

V.1 Active Filing Systems

V.1.1 Files Management

Town officials are required to follow the practices outlined in the town's files management manual for files maintained in paper as well as in electronic format. This manual provides

guidance on file naming, appropriate filing practices, storage supplies and equipment, and files maintenance. The manual also includes “Rules for Alphabetic Filing.”

V.1.2 File Plans

The Town of Big Thunder will develop and maintain file plans for large active filing systems (such as subject files and case files) that require especially detailed controls. These manuals (available in the Appendix) may include

- a) responsibilities
- b) steps in establishing a file
- c) what records to include in a file
- d) file order of records
- e) updating files
- f) retention periods for various records
- g) purging rules
- h) access restrictions
- i) records storage
- j) disposition
- k) file list (of all files in the series)

V.1.3 Filing Structure for Local Area Network

At its highest level, the town’s LAN will include public storage space. At the next level will be storage space for individual departments. Files maintained on the LAN include

- a) general town records that are not restricted and are accessible to all town departments and units, including blank forms and policies and procedures
- b) files that are permitted to be distributed to the general public
- c) files related to specific projects and the work of specific town teams
- d) records and information that have not been completed and are being developed by individual departments or units
- e) records and information that cannot be accessed by the public and therefore must be maintained by individual departments or units

At the next level down, the town's LAN includes personal workspace (files not stored on the hard drive of the individual employee's personal computer). Stored at this level are backup copies of files that are being developed by individual employees who may wish to share these files.

Employees should maintain draft and working files that other staff members do not regularly need to consult on their own personal computers. This frees space on the Town's LAN for public or corporate files.

V.2 Complying with the Freedom of Information Law (FOIL)

V.2.1 Records Access Officer

The town board has appointed the Town Clerk as Records Access Officer.* As such, departments should refer all Freedom of Information Law (FOIL) requests to the Town Clerk.

**[NOTE: The Town Clerk is frequently designed as the town's Records Access Officer even though not required by State law.]*

The Town Clerk (as Records Access Officer) is responsible for directing FOIL requests to the appropriate department in a timely basis. The Town Clerk will also liaison with staff of the Committee on Open Government when questions arise concerning the appropriate application of FOIL.

V.2.2 Responding to FOIL Requests

The town will act upon a FOIL request within five business days, as the law requires.

A request must be made in writing either on a provided form, in a letter to the town, or in an email. According to FOIL, this request must "reasonably describe" the record being requested.

There are three responses the town may make:

- a) Make the record available. If the request was received via email, the response must similarly be provided in email.
- b) Deny access in writing (citing the reasons for denial).
- c) Furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.

If a request for access is denied an appeal procedure is available.

V.2.3 FOIL Exemptions

Specifically exempted from FOIL are

- a) records exempted from disclosure by some other state or federal law
- b) records that, if disclosed, would constitute an unwarranted invasion of personal privacy, including information of a highly personal or intrusive nature
- c) records that, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations
- d) records that contain trade secrets
- e) records that are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations or judicial proceedings
- f) records that, if disclosed, would endanger the life or safety of any person
- g) records that are inter-town or intra-town communications
- h) records that include examination questions or answers and which are requested prior to the final administration of such examination
- i) records that, if disclosed, would facilitate unauthorized access to a department's electronic information systems or jeopardize or compromise information security
- j) records of the judicial branch of government, including town justice records

V.2.4 Training on FOIL

All new staff will receive training on public access to records and handling FOIL and other records requests within the first two months of their being hired. Certification of this training will be kept in the employee's personnel file.

V.2.5 Subject Matter List

The Town of Big Thunder's office retention schedules (attached in the Appendix) will serve as the town's "subject matter list" of records maintained by the town, as required by New York's Freedom of Information Law.

V.2.6 Access to Court Records

Retrieval of any court records or information pertaining to court records is allowed only with approval from the presiding town justice. Town court records are not subject to disclosure under FOIL.

V.2.7 Access to Official Vital Statistics

Access to official vital statistics created after 1880 is regulated by the State Department of Health. The public has limited access to these records through the Town Clerk, who serves as Registrar of Vital Statistics. Vital statistic records are not subject to disclosure under FOIL.

V.3 Retrieval of Records from Inactive Storage

V.3.1 Requesting Records

Fill out the Record Retrieval Request Form and submit the form to the Town Clerk (as Records Management Officer).

Upon receipt of a properly completed Records Retrieval Request Form, the Town Clerk will arrange to have the box containing the items you are seeking delivered to your office. At the time the box is delivered to you, the person receiving the requested record will acknowledge receipt by signing the Records Retrieval Request Form on the appropriate line.

V.3.2 Requesting Records of Another Department

If the Town Clerk receives a request for records from a department that did not create the records, the Town Clerk will either deliver a photocopy of the records or seek permission from the originating department to allow access to its records.

V.3.3 Tracking the Movement of Inactive Records

The Town Clerk maintains a master records locator, which is an access database designed for government use by the State Archives. The Town Clerk will use the records locator to locate requested records and to indicate that the records have been removed from storage and transferred back to the originating department. (See the Appendix for directions, also developed by the State Archives, on using the master records locator database.)

V.3.4 Returning Records to Storage

When you wish to return the box to records storage, contact the Town Clerk, who will make arrangements to return the records to the appropriate records storage location.

V.4 Litigation Support

V.4.1 Initial Response to a Pending Lawsuit

In all cases where a lawsuit requiring disclosure of certain records has been brought against the town, town officials must contact the Town Attorney and the County Attorney if necessary, who will, in turn, consult with the Town Clerk.

V.4.2 Actions of the Town Clerk

The Town Clerk (as Records Management Officer) must

- a) Contact the department holding the records as well as the Town Supervisor and, if necessary, the computer support vendor
- b) Determine which records are pertinent to the lawsuit and where they are located
- c) Take steps to ensure that these specific records will not accidentally be disposed of or altered in any way
- d) Bring to a halt any planned disposition of these records, until the conclusion of this lawsuit, as determined by town counsel

V.4.3 Testifying at Hearings and Court Proceedings

Any town personnel providing testimony relating to records on behalf of the town must discuss such testimony with the Town Attorney beforehand. They should also be prepared to describe the town's procedures for creating and maintaining the records in question and to describe the town's procedures for records disposition.

Anyone with questions about these records management issues should contact the Town Clerk (as Records Management Officer).

VI Electronic Records

VI.1 Electronic Information Systems

VI.1.1 System Maintenance

Each department must determine specifically who has the authority to create, name, alter and delete documents from any electronic system.

All staff must be informed of the policies and procedures regarding creation, maintenance, access to, security, retention and legal disposition of electronic documents.

Each department should maintain written documentation of the design of any electronic recordkeeping system and policies regarding its maintenance and use that covers the following:

- a) Make sure automated office records support organizational needs.

- b) Create a single filing system or central repository for electronic office documents whenever the technology permits.
- c) Develop standardized naming conventions for documents and electronic folders.
- d) Develop criteria and practices for managing inactive records and for disposing of obsolete records.
- e) Provide for security and physical preservation of electronic records.

VI.1.2 Migration Plans for Electronic Information Systems

To maintain intelligible access to electronic records for as long as needed to meet retention requirements and business needs, the town must ensure that it develops a migration plan as part of the planning for any new automated information system. These migration plans should include guidelines for maintaining data in non-proprietary formats, timelines for updating hardware and software, and strategies for keeping abreast of technological changes. Migration should be undertaken at no longer than 5-year intervals.

VI.2 Removable Computer and Other Storage Media

VI.2.1 Use of Storage Media

For the most part, the Town of Big Thunder will depend on the town LAN, its backup utility and other functions to provide backup protection and distribute information. The town will use removable media in limited circumstances, mostly for the transfer of electronic records from one computer or system to another.

VI.2.2 Replacing or Refreshing Removable Media

Magnetic media have a limited lifetime and cannot be expected to last indefinitely, so offices should replace the media when

- a. the computer hardware or software is updated or replaced, and the existing disks may not be readable
- b. a message indicates a media error or the media appears damaged
- c. when removable media contains important original or backup files the media should be recycled every 3 to 5 years

VI.3 Use of the Internet and Email

VI.3.1 Acceptable Use of the Internet and Email

The use of the town's Internet and email services by any employee or other person authorized must be consistent with this acceptable use policy.

The principles of acceptable use are

- a) respect the privacy of other users
- b) respect the legal protection provided to programs and data by copyright and license
- c) protect data from unauthorized use or disclosure as required by state and federal laws and regulations
- d) respect the integrity of computing systems
- e) safeguard individual users' accounts and passwords

VI.3.2 Response to Unacceptable Use of the Internet and Email

The town does not permit the use of its network for sending or receiving personal electronic communications. If necessary, the town's computer support vendor will provide the Town Clerk with access to a user account, especially if inappropriate use by a town official is suspected.

The town reserves the right to log network use and monitor file server space utilization by users.

The town board will review alleged violations of the Internet and email acceptable use policy on a case-by-case basis. Violations of the policy that are not promptly remedied will result in termination of Internet and email services for the person at fault, and referral for disciplinary actions as appropriate.

Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

VI.4 Maintaining the Official Website

VI.4.1 Website Responsibilities

The information published on the Internet represents official town information. All information loaded onto the website needs to be approved by the town supervisor and respective town department heads.

Each town department is responsible for maintaining its own content. Departments will provide timely, accurate, and appropriate content for posting to the website.

Assigned staff in each department will verify, at least once every month, that all the links from their content pages are working properly and linking to active areas.

VI.4.2 Accessibility and Conducting Government Business over the Internet

The Town will follow the technology standards adopted by the town for web-based Internet applications in order to make town online services easily available to all. These standards were established following guidelines issued by the State CIO/Office for Technology.

Business applications made accessible via the Internet must include procedures to capture and maintain secure, reliable records as evidence of transactions to meet administrative, fiscal, legal, and other management accountability needs. These records must remain continuously accessible until they reach their minimum retention periods.

VI.4.3 Links to Other Websites

The town will link to other government Internet sites, including state agencies and other local governments, to better serve the needs of the town's citizens.

The town will not link to private businesses, unless the link is required as part of a formal business partnership with the town or if the reason for the link is primarily educational in nature.

VII Archival Records and Secondary Use

VII.1 Archives Management

VII.1.1 Finding Aids for Archival Records

The Town Clerk (as Records Management Officer) will maintain series descriptions for all archival records maintained by the town.

VII.1.2 Access to Fragile Records

In compliance with the Freedom of Information Law, the Town Clerk (as Records Management Officer) will restrict access to archival records if use may damage the records.

VII.1.3 Rules for Use

Anyone who wishes to use the archival records of the town—including members of the public and town officials—will be required to read, sign, and comply with a list of rules for access.

VII.1.4 Public Hours for Research

The archival records of the Town of Big Thunder will be available for reference during the Town Clerk's regular business hours. The records can also be made available by appointment at other times when the Town Hall is open for business.

VII.1.5 Preservation

To ensure that the town's archival records are protected, the town will follow these preservation rules:

- a) The town will maintain archival records in a climate controlled area with moderate humidity and temperature and free of dust, mold, and vermin.
- b) The town will ensure that archival records are stored in an area that provides protection from fire.
- c) The town will ensure that records are not stored in such a way that they will be damaged. For instance, large volumes will be stored flat to reduce strain on the covers and spines. Maps and plans will be stored flat if possible.
- d) The town will reformat and reproduce archival records that are fragile and/or frequently consulted and make the reproduction copies available to users (in most instances) to reduce handling of the original records.

VII.1.6 Reformatting

Whenever possible to reduce bulk, to minimize damage from handling, and to produce security and references copies, the town will undertake reformatting through microfilming, photocopying, or scanning of archival records.

VII.1.7 Marketing the Archival Program

The Town Clerk's office will market the town's archival program and the availability of its archival records as a service to town citizens by

- a) publishing, periodically updating, and distributing a brochure on the town's archival holdings
- b) featuring them in events and publications focused on the history of the town
- c) arranging exhibits of the town's archival records in coordination with other local governments and historical records repositories
- d) publicizing the existence of the town's archival records on the official town website and through other publicity

VII.2 Alienated Government Records

VII.2.1 Documenting Ownership of Government Records

The Town of Big Thunder will document ownership of its records by

- a) ensuring, as a matter of policy, that all town officials know the records they create in the performance of their jobs are town property
- b) maintaining an updated inventory of the records in its custody
- c) documenting all records dispositions, including destruction of obsolete records or transfer of any records by donation or loan to another entity
- d) maintaining finding aids documenting information about its holdings

VII.2.2 Recovering Alienated Records

When any official of the Town of Big Thunder discovers that some other entity has unauthorized physical possession of its official records, that person is required to immediately contact the town attorney.

The town attorney, working with the Town Clerk and town supervisor, will make every effort to recover the records, including calling law enforcement if a theft is suspected. If the town cannot reach an agreement with the other party to return the records in question, the town attorney will pursue an action of replevin or seek another legal remedy to recover the records.

VII.3 Acquiring or Collecting Non-government Historical Records

VII.3.1 Formulating a Collection Policy

The town historian may acquire historically valuable family, business, or personal records that are directly related to the history of the Town of Big Thunder. These records may include correspondence, diaries, photographs, or any other records. The town historian will not accept any records that

- a) do not significantly document history of the town
- b) include unreasonable restrictions on the use of the records
- c) are not donated to the town outright

VII.3.2 Historical Records Collection Policy

The town will not acquire records in competition with the historical society, library, or other repository but will work in concert with these other historical records repositories in acquiring records to document the town's history. The town and these other repositories have developed a Coordinated Historical Records Collection Policy (see the Appendix).

VII.3.3 Deeds of Gift

The town historian must complete a deed of gift for any non-government records donated to the town. The Town Clerk and the donor must sign the deed of gift. Once legal title has been transferred, these non-government records are town records, as if the town had created or received them in the course of official business.

VII.3.4 Deaccessioning

If in the future the town historian deems that any records acquired through this process do not fit the collection policy of the town, the Town Historian may take the matter to the Town Clerk and the town Records Advisory Board for a final determination.

If the Town Clerk and the Records Advisory Board agree with the Town Historian, the town may deaccession the records from its collection. The town should make every attempt to return deaccessioned records to a suitable historical records repository. Records deaccessioned by sale must be sold at an auction (live or Internet) accessible to the general public.

VIII Appendices

Below are listed a few possible appendices to the manual, including more detailed manuals for complicated recordkeeping systems and processes. This list is a sample only. Develop appendices that will be valuable and necessary for your operations.

VIII.1 Glossary of Records Management Terms

VIII.2 Indexing Manuals

- VIII.2.1 Indexing Manual for Hearings and Proceedings*
- VIII.2.2 Master List of Indexing Terms for Hearings and Proceedings*

VIII.3 Filing Manuals

- VIII.3.1 Filing System Guidelines*

VIII.4 Office Retention Schedules

- VIII.4.1 Town Clerk's Office*
- VIII.4.2 Town Supervisor's Office*
- VIII.4.3 Town Court*
- VIII.4.4 Town Planning Board*
- VIII.4.5 Other Departments and Offices*

VIII.5 Disaster Response Plan

- VIII.5.1 List of Vital Records*
- VIII.5.2 Disaster Plan*
- VIII.5.3 Contact Information*

VIII.6 Electronic Records Systems Procedures Manuals

- VIII.6.1 Geographic Information System (GIS) Procedures Manual*
- VIII.6.2 Imaging System Procedures Manual*
- VIII.6.3 Website Management Procedures Manual*

VIII.7 List of Records Management Liaisons

VIII.8 List of Official Town Forms

VIII.9 Instructions for Using the Master Records Locator

VIII.10 Finding Aids to Archival Records

VIII.11 *Sample Agreements and Contracts*

- VIII.11.1 *Standard Microfilm Contract*
- VIII.11.2 *Standard Imaging Contract*
- VIII.11.3 *Agreement for Off-site Storage of Backup Tapes*
- VIII.10.4 *Sample Agreement for Loan or Gift of Town Records*

VIII.12 *Records Confidentiality Manual*

VIII.13 *Password Criteria and Suggestions*

VIII.14 *Standards for the Fire Protection of Records*

VIII.15 *Town Technology Standard*

VIII.16. *Town Electronic Records Security Breach Notification Policy*

VIII.17. *Town Personal Privacy Protection and Internet Privacy Policy*

VIII.18. *Town Information Security Policy*

VIII.19. *Coordinated Historical Records Collections Policy*

IX Reference Material

IX.1 Retention Schedules and Authorizations

- IX.1.1 *MU-1 Retention Schedule*
- IX.1.2 *Court records retention schedules*

IX.2 Records Laws and Regulations

- IX.2.1 *Local Government Records Law and Regulations and Related Statutes*
- IX.2.2 *Freedom of Information Law*

IX.3 State Archives Reference Publications

X Index

Include an index if necessary for complicated records management procedures manual.

A very complex manual will be more accessible if maintained online as an electronic, searchable document.

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