

# State Agency Manual of Records Management Policies

## Explaining the Sample Policy Manual

This is a sample records management policy manual for executive branch agencies in New York State government. The agency represented in this sample has a large work force distributed between a central office, one satellite facility, and several regional offices. The Records Management Officer (RMO) works at the central office and coordinates a records management program among departments that are geographically dispersed.

Where applicable, this manual directly cites passages from state law and regulations as the policy the agency will follow. For example, the manual refers to the Arts and Cultural Affairs Law (Section 57.05) and 8NYCRR: Regulations of the Commissioner of Education (Part 188) as the basis for its records management program and its relationship with the State Archives. In other instances, the agency refers to standards and guidelines issued by the State Archives, which are based not only on law but on professional best practices and national and international standards.

Many aspects of managing records are not clearly defined by law or in professional guidelines, but are determined by local circumstances. This manual includes policy choices that reflect this agency's size, physical environment, administrative structure, and institutional culture. Parenthetical notes indicate when these choices may not be feasible for every agency.

In addition, the manual does not include detailed procedures that may be created and maintained at the department level. For example, the agency may have imaging programs in several different departments. While all imaging operations must adhere to the agency's overarching policies concerning electronic information systems, the day-to-day steps for running those imaging operations and individual staff responsibilities would more appropriately be documented in each department. This limitation on detail may not be necessary or desirable for all agencies.

Agencies are therefore advised to use this sample policy as a starting point. It is intended to provide an idea about the kind of information to include in records management policies and procedures, highlighting those areas where recordkeeping choices are defined by law. In the end, develop a policy manual that suits your particular needs and size while meeting legal requirements; and adopt, expand, or simplify elements of this sample policy as needed.

## 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 how you might use the fields.

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

This sample manual uses a consistent numbering system. You may decide to develop your own or do away with a numbering system altogether.

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

The main titles in this manual correspond to an essential function of a records management program. The manual has eight topical areas, reflecting eight records management functions. Titles help the user understand the arrangement of the manual and find information more quickly.

**Date:**           **Date that section was approved**

This manual doesn't include dates, but dates are important because they help to distinguish an obsolete from a current entry. Some manuals also include a field that includes the first date any entry was approved, which indicates when that entry (in any form) was first approved.

**Policy:**         **Policy statement for that section**

Each of the eight main sections has a policy statement which is generally very broad and reflects legal mandates, the overarching agency mission of service, and professional records management practices.

**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 any policy and procedures manual. As this document is the product of a large agency, it does not include detailed procedures of any kind. The manual refers to detailed procedures, but these are intended as sections of the Appendix of the agency's manual of policies.

**Appendix:**    **Section of the manual containing attachments needed to clarify the policy, including sample forms, illustrations, and lists**

The manual mentions whenever there is a supporting document in the Appendix.

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## I Records Management Program

*The [State Agency] has developed and maintains a formal records management program pursuant to state law and regulations and having objectives that are consistent with the agency's goal of superior service and accountability to the people of New York.*

### I.1 Definitions

#### I.1.1 Legal Definition of Records and Related Concepts

According to 8NYCRR: Regulations of the Commissioner of Education

- a) *Records* means “all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the state or by the judiciary in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities, or because of the information contained therein...”
- b) *Non-records* means “library or museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of blank forms shall not be deemed to constitute records.”
- c) *Records series* means “a group of related records that result from the same activity and can be evaluated together for disposition and other management purposes. Usually, the records in a record series are arranged under a single filing system or are otherwise kept together as a unit.”
- d) *Records management* refers to “the planning, organizing, directing, controlling and other activities needed for effective records creation, records maintenance and use, and records disposition.” By law, every state agency is required to establish and support a records management program.

### I.2 Ownership of Government Records

#### I.2.1 Records Ownership

All agency staff must understand that the records they create and use in their daily work are not their personal property. They belong to the state agency and are maintained by agency personnel for the benefit of the public and state government.

### *I.2.2 Custody of Records*

All records of the state agency are considered to be owned by the agency regardless of which department originally created the records or has physical custody of them.

### *I.2.3 Use of Home Computers and Personal Accounts*

Agency staff are generally discouraged from using home computers or personal accounts to create agency-related records. If use of a home computer or personal account proves necessary, such as for telecommuting, the employee must understand that those agency-related records are subject to disclosure under FOIL, a court action, or an audit. Employees must follow agency policies, policies, procedures, and standards concerning use of computer equipment to ensure that records and information are secure and not maintained in a way that would make them available to any other individuals. Any suspected breach containing sensitive data or loss or theft of equipment must immediately be reported to the employee's supervisor and the agency's Information Security Officer.

### *I.2.4 Ownership of Records Created by Contractors for the Agency*

Records produced by contractors (architects, consultants, lawyers, engineers, etc.) are owned by the agency as stipulated by the agency in applicable contracts.

## ***I.3 Records Management Program Objectives***

### *I.3.1 Program Objectives as Adopted and Expanded from 8NYCRR: Regulations of the Commissioner of Education (Section 188.4):*

- a) Promulgate records retention and disposition policies and ensure compliance by all agency staff.
- b) Ensure that agency records are maintained and disposed in compliance with regulations.
- c) Ensure that the agency cooperates with the State Archives to identify, protect, and preserve archival records, including those of the agency head and associated staff.
- d) Establish a process to prepare and annually review and update an agency records management plan, which contains objectives and target dates to achieve compliance with applicable regulations.
- e) Furnish to the State Archives such reports as the director may request regarding agency records and records management programs and practices.
- f) Ensure the creation of records that contain accurate, complete, and usable information.

- g) Save the taxpayers money through the efficient administration of information resources.
- h) Enforce measures that ensure the protection of records vital for the operation of the agency.
- i) Provide information quickly and easily when needed internally and by members of the general public.

#### *I.3.2 Revision of Program Objectives*

The Records Management Officer has the authority to revise program objectives that are not specifically required by law or regulations.

### ***I.4 Records Management Officer***

#### *I.4.1 Appointment of the RMO*

Pursuant to the provisions of 8NYCRR: Regulations of the Commissioner of Education (Section 188.4), the agency's commissioner will appoint the Records Management Officer (RMO) and notify the State Archives each time the designated person changes.

The RMO will be at a professional grade level sufficient to liaison with staff and administrators throughout the agency and to perform the duties outlined in these policies and procedures.

#### *I.4.2 Duties of the RMO as Adopted and Expanded from 8NYCRR: Regulations of the Commissioner of Education (Section 188.5):*

- a) Initiate, coordinate, and promote the systematic management of the agency's records in consultation and cooperation with agency officers, the State Archives, and other state agencies involved in records creation and management, such as Office of Information Technology Services.
- b) Work with department and unit heads to guide the development and application of records management practices for agency offices.
- c) Serve as chairperson of the Records Coordination Committee.
- d) Participate in the records management training program offered by the State Archives and ensure that staff have adequate records management training.
- e) Compile and maintain an inventory of agency records that will serve as the basis for records schedules and vital records programs and facilitate records access for business needs and FOIL requests.

- f) Contribute to the development and review of plans and programs to improve the management of agency records.
- g) Participate in developing, reviewing proposals for, and testing any electronic records systems in cooperation with the agency's IT staff.
- h) Arrange appropriate storage for inactive records that have not met their legal retention period, either in an agency facility or at the State Records Center, and coordinate the retrieval of inactive records from storage as needed.
- i) Ensure the payment of fees to the State Archives for advisory services and for storage of records at the State Records Center.
- j) Prepare and submit to the State Archives proposed records retention and disposition schedules, or other plans which delineate proposed records retention and disposition practices.
- k) Oversee the continuing disposition of records in accordance with approved records retention and disposition schedules or other plans.
- l) Ensure the preservation and sound management of archival records while in active use, and ensure the transfer of archival records to the State Archives when they are no longer actively used.
- m) Prepare public information releases for administrators to issue on the records management program, with emphasis on the program's contribution to efficient state operations and overall savings to our constituents.
- n) Coordinate the development of funding strategies to improve the management of agency records.
- o) Respond to and help mitigate records disasters by identifying and maintaining a vital records list and developing and maintaining a records disaster plan.

#### *I.4.3 Records Management Coordinator*

As needed, the agency RMO will appoint a designee or designees to assist with various records management activities.

*[NOTE: This designation is recommended for large state agencies in which the RMO has various other responsibilities.]*

## ***I.5 Records Liaisons***

### *I.5.1 Assignment of Liaisons*

Each department (including regional offices and the satellite facility) must designate a specific staff person as a records liaison. Each department must inform the Records Management Officer in writing of persons designated as liaisons and of any subsequent personnel changes in this regard. These liaisons serve on the Records Coordination Committee.

*[NOTE: The small size of a department, unit, regional office, or satellite facility may not warrant having its own records management liaison.]*

The Records Management Officer will maintain an updated list of liaisons and communicate records management policies to them on a periodic basis. (See the Appendix for a current list of records liaisons.)

#### *I.5.2 Duties of Liaisons*

The records management liaison in each department will serve as the liaison in all transactions involving the records management office.

The liaisons serve on the agency's Records Coordination Committee, which performs the duties described in the next section.

### ***I.6 Records Coordination Committee***

#### *I.6.1 Committee Membership*

The Records Coordination Committee will consist of records liaisons from each department or unit in the agency. The RMO will be chair of the committee. The Chief Information Officer, a representative from counsel's office, and Records Access Officer will be ex-officio members of the committee.

*[NOTE: Some state agencies may not have a Records Coordination Committee due to their size, small or large, or complex structure, but one should be established if at all possible. Such a committee is useful to coordinate records management at agencies with facilities and regional offices located throughout the State. Any agency with large electronic systems is encouraged to have a committee or, at minimum, the CIO and RMO should meet and exchange information on a regular basis.]*

#### *I.6.2 Duties of the Committee*

- a) Provide advice to the Records Management Officer on the development of the records management program.
- b) Periodically review records inventories for completeness and accuracy.
- c) Work with the RMO to develop a plan that outlines goals for every three-year increment of the program's operations.

- d) Periodically review the performance of the program and propose improvements.
- e) Periodically review suggested revisions to this manual and update as needed.
- f) Work with the State Archives to develop and review proposed agency RDAs.
- g) Actively support and promote the records management program among the departments and units of the agency, including all regional offices and facilities.
- h) Develop testing criteria for disaster response and procedures for determining the viability of the criteria and testing procedures. (See Section V.1, Disaster Planning.)

### *I.6.3 Meeting Frequency*

The committee will meet every other month and on an as-needed basis. The RMO or a designated alternate will convene and preside over all formal meetings.

### *I.6.4 Quorum*

All actions of the committee require a quorum. A quorum consists of the chairperson or designated alternates, plus a majority of the voting committee members or their authorized appointed alternates.

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

## ***I.7 Records Management Manual***

### *I.7.1 Scope of this Records Management Manual*

This manual outlines general records management policies in the state agency, and describes the records management services provided to all units of the agency through the Records Management Officer (RMO).

Individual departments are encouraged to develop more detailed procedures to support the day-to-day work of their staff. Those procedures must be consistent with and support the policies laid out in this manual.

This manual includes only brief discussions of information technology (IT) and legal issues, both of which are limited to how they relate to records and records management. Detailed information about managing IT infrastructure or complying with laws and regulations fall outside the scope of this manual and should be developed by agency staff that have expertise in those areas.

### *I.7.2 Purpose of this Records Management Manual*

- a) Help ensure that records management is a continuing administrative function of the agency's operation.
- b) Serve as the basis for training staff on records management and their responsibilities towards the agency's records program.
- c) Provide 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.
- d) Serve as proof to the public and taxpayers of the agency's intent to maintain accessible, usable, and reliable records.

### *I.7.3 Updating the Records Management Manual*

Anyone may suggest updates to these policies and procedures.

The Records Coordination Committee will review suggested revisions to the records management manual and make updates as needed. The Committee will periodically review these records management policies to ensure they are up-to-date and complete.

### *I.7.4 Distribution of the Records Management Manual*

The Records Management Officer will ensure that the manual is filed in the shared file directory on the agency's LAN. The RMO will also inform agency staff when an updated version of the manual has been filed on the LAN.

New employees will receive records management training and be informed of the manual when they begin to work for the agency.

## **II Creation of Records**

*Every department or unit is responsible for creating records to document its business transactions and for ensuring that those records are accurate, complete, and authentic. Agency departments must follow policies outlined in this manual, and have departmental procedures and controls in place to ensure its records support the agency's work and in case of any litigation. In some instances, especially with sensitive records or electronic records systems, agency departments should have detailed, written procedures in place.*

*[NOTE: Agencies may be subject to federal or state laws that mandate the creation of certain records. Such legal requirements should be reflected in their records management policies.]*

### **II.1 Standards for Records Creation**

#### *II.1.1 Standards for Paper Records*

Agency staff will use high-quality, alkaline paper for known long-term and archival records, such as the agency's annual reports, minutes, and proceedings. Agency staff will avoid the

use of adhesive materials for archival records, including post-it notes and pressure sensitive tape.

### *II.1.2 Standards for Microfilm*

The agency will follow microfilming guidelines outlined in State Archives Publication #9, [\*Producing Quality Microfilm\*](#). If microfilming is outsourced, the agency will develop a contract with the microfilm vendor which incorporates the State Archives' specifications for quality microfilm.

The agency will ensure that every fourth roll of microfilm is sent to a quality control vendor to verify that the microfilm meets the technical specifications for resolution and density outlined by the State Archives. The agency itself will verify the accuracy and quality of microfilm images against the original paper documents.

### *II.1.3 Standards for Digital Images*

The agency will follow imaging standards outlined in the State Archives' [\*Digital Imaging Guidelines\*](#). If imaging is outsourced, the agency will have a contract in place to ensure the vendor follows State Archives specifications for quality digital images. The agency itself will verify the accuracy and quality of digital images against the original paper documents.

### *II.1.4 Standards for Electronic Records*

The agency will adhere to state laws and regulations that mandate the creation of electronic records, including the following:

- a) An agency shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records (8NYCRR: Regulations of the Commissioner of Education, Section 188.20).
- b) No agencies shall enter into or renew a contract for the creation or maintenance of records if a contract would impair public inspection or copying (Freedom of Information Law, Section 87, part 5).
- c) An agency in designing its information retrieval methods, whenever practicable and reasonable, shall do so in a manner that permits the segregation and retrieval of available items in order to provide maximum public access (Freedom of Information Law, Section 89, part 9).
- d) Government entities are authorized and empowered, but not required, to produce, receive, accept, acquire, record, file, transmit, forward, and store information by use of electronic means...[but] shall not refuse to accept hard copy, non-electronic forms, reports, and other paper documents for submission or filing except as otherwise provided by law (State Technology Law [ESRA], Article I, section 105).

The agency will consult with State Archives staff when designing its electronic records systems to ensure compliance with the above, other applicable laws and regulations, and professional standards. The agency must consider the creation of meaningful metadata and system documentation, the use of open technologies, the ability to extract records and metadata easily from the system, information security, and other critical issues.

#### *II.1.5 Required Formats for Records Filed with the Government from Outside*

Agency program staff, working with the RMO, will determine when the agency should require that records filed with the agency be filed 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 to help save the agency money caused by converting the records to more useful formats in the future.

#### *II.1.6 Required Format for Records Created by Contractors*

The state agency requires that any records created by contractors comply with agency standards and those standards are clearly stipulated within a contract.

### ***II.2 Use of Compatible Software and Hardware within the Agency***

The agency will ensure that all offices in the agency can share data easily.

Before making any purchase of software for other applications, an agency department or unit must contact the RMO and the IT department to determine whether another agency department is using equivalent software, and to ensure either compatibility between software applications or the purchase of additional licenses or subscriptions to the software that is already being used by the agency.

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

## **III Retention and Disposition of Records**

*The [State Agency] is compliant with retention and disposition requirements outlined in the Arts and Cultural Affairs Law and 8NYCRR: Regulations of the Commissioner of Education, which gives primary responsibility to the State Archives to authorize the disposal or destruction of state agency records. The agency will therefore use the State General Schedule for general administrative records and work with the State Archives to develop agency-specific records schedules to ensure all of its records are covered in an approved records schedule. The State General Schedule covers records irrespective of format, as do agency-specific schedules unless otherwise noted.*

*[NOTE: Agencies may be subject to state and federal retention requirements in addition to those promulgated by the State Archives. Such requirements should be reflected in a records management policy.]*

### ***III.1 Retention Schedules***

#### *III.1.1 Adoption of the State General Schedule for General Administrative Records*

This agency has adopted and follows the State Archives' General Retention and Disposition Schedule for New York State Government Records ("State General Schedule") for its general administrative, fiscal, and personnel records.

If an agency department has decided to retain its records for longer than the minimum mandated by the State General Schedule, the agency will document this decision in its internal procedures or, alternatively, through an agency-specific Records Disposition Authorization (RDA) for that department or unit.

If a record is not covered by an item on the State General Schedule, then a department must contact the agency RMO to develop an RDA with assistance from the State Archives.

#### *III.1.2 Agency-Specific Records Schedules*

The RMO will work with agency records liaisons and staff in the State Archives' Scheduling Unit to prepare retention schedules (RDAs) for records that are not covered in the State General Schedule.

Each records series will be scheduled according to its ongoing research value, the administrative need of the department that created or received the records, and legal and fiscal audit needs for the records.

If a copy of a records series exists in several different units or formats, each copy and format of that records series must be scheduled for disposition in an RDA.

The RMO will maintain a complete file of active RDAs as approved by the State Archives and its predecessor.

#### *III.1.3 Exceptions to Approved Records Disposition Plans*

When using the State General Schedule or agency-specific records schedules:

- a) If legal proceedings are anticipated, the agency must retain relevant records even if their retention period has passed. Such proceedings include subpoenas, outstanding Freedom of Information Law (FOIL) requests, and notices of claim. In such circumstances, the agency cannot dispose of the records until legal action is totally resolved.
- b) If the agency has been informed that a state or federal audit is pending, the agency must halt disposition and maintain those records until the audit has been completed.
- c) In the event of a disaster, damaged records that have not met their minimum retention periods may be destroyed if the RMO obtains an RDA from the State Archives to dispose of the records.

- d) The agency may microfilm or scan records, and replace the original records with microfilm or digital copies, but each copy and format of the records series must be scheduled for disposition in an agency-specific RDA before it can be legally destroyed.

#### *III.1.4 Duplicate Copies*

If exactly identical copies exist in the same records series, then agency staff may dispose of the duplicates without an RDA. If two copies exist in a series, one annotated and one not, these must be treated as two distinct records and a copy of each would be retained for the retention period noted in an appropriate retention schedule. If an identical copy is found in another series, that copy is subject to the retention period for that other, separate series.

#### *III.1.5 Retention and Disposition of Electronic Records*

Pursuant to 8NYCRR: Regulations of the Commissioner of Education (Section 188.20), the agency will “ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records.” To do so, agency staff will confer with the State Archives when designing, redesigning, or substantially enhancing an information system that stores electronic records.

See Section III.1.3d (Exceptions to Approved Records Disposition Plans) and Section III.1.2 (Agency Specific Records Schedules) for retention procedures relating to digital copies of original records.

#### *III.1.6 Appraisal of Archival Records*

It is the responsibility of the State Archives to conduct appraisals of certain records to determine whether they warrant permanent preservation. The RMO will coordinate an appraisal of records with the State Archives, and other staff members will provide information to assist with the appraisal process when requested.

#### *III.1.7 Office Retention Schedules*

Staff may either annotate their RDAs or create office retention schedules to indicate the duration of time that records are retained in a department. When that interim duration of time has elapsed, non-permanent records will be transferred to the State Records Center, where they will be destroyed when their retention periods have passed, and archival records will be transferred to the State Archives.

### ***III.2 Records Disposition***

#### *III.2.1 Documenting Disposition*

The [State Agency] documents all records dispositions as proof that department heads and the RMO authorized the disposition of records, and that records were disposed of in accordance with an approved records schedule.

### *III.2.2 Authority to Dispose of Government Records*

Agency personnel will not destroy or otherwise dispose of records before obtaining a records disposition documentation form signed by the RMO and the appropriate department head.

### *III.2.3 Records Disposition Documentation Form*

The agency's records disposition documentation form includes the record series title, the minimum retention, the schedule citation, the date when records will be disposed, and the volume of records (a sample form is available at [https://www.archives.nysed.gov/records/records-management-forms-and-tools?field\\_records\\_management\\_topic\\_tid=699&field\\_tool\\_type\\_value=All](https://www.archives.nysed.gov/records/records-management-forms-and-tools?field_records_management_topic_tid=699&field_tool_type_value=All)). The form also includes space for authorizations and to document the destruction of records. For records stored at the State Records Center, the Records Disposition Notification form and the Records Disposition Confirmation form that Records Center staff send to the agency RMO will suffice for documentation purposes.

### *III.2.4 Disposition of Agency Records*

At the end of every fiscal year, the Records Management Officer will encourage staff to review records in their offices to transfer inactive records to the State Records Center and dispose of records that have passed their legal retention periods. See the Appendix for detailed disposition procedures.

### *III.2.5 Methods of Destruction*

Albany-based departments will use the State Records Center's [Confidential Wastepaper Contract](#) to dispose of paper records or microfilm (for an additional fee) either directly from agency offices or from the State Records Center.

For the destruction of paper and microfilm records in the regional offices and all computer media, the RMO will help identify secure destruction vendors.

Computer hard drives containing confidential information should be removed and destroyed prior to disposal of the hardware.

## **IV Storage and Maintenance of Records**

*The [State Agency] will adopt storage methods that will ensure access to records for their full retention period while providing appropriate security measures. The agency recognizes that the long-term storage and maintenance of electronic records in particular has many challenges and requires an ongoing commitment of staff and other resources.*

*[NOTE: This section is limited to the storage and preservation of active and inactive, non-archival records. See Section VIII, Archival Records, on the storage of archival records at the State Archives.]*

## ***IV.1 Maintaining Active Records***

### *IV.1.1 Filing Equipment*

The RMO has worked with the agency's purchasing agent to identify and compile a list of appropriate filing and storage equipment for active agency records, including letter-size paper records, microfilm, maps and oversize drawings, and special media. The list of acceptable storage equipment reflects the agency's limited storage space, access and retrieval needs, fire-resistant standards, and general records management principles.

Agency staff who wish to purchase equipment that is not included on the list of acceptable filing and storage equipment must submit a justification outlining the reasons for this exception and obtain permission from the RMO.

### *IV.1.2 Fire Prevention and Suppression*

The [State Agency] works with the building manager and OGS to ensure a system of levels of fire protection to protect its records:

- a) All combustible materials that may potentially cause a fire will be kept out of records storage areas.
- b) Fire-resistant cabinets and containers are used to provide extra fire protection for vital and archival records.
- c) All fire-suppression and alarms systems are periodically tested.

### *IV.1.3 Environmental Controls*

The agency will strive to ensure that storage conditions for records will remain at relatively consistent, moderate temperature and humidity levels throughout the year.

## ***IV.2 Inactive Records Storage***

The state agency uses the services of the State Records Center to store most of its inactive records. Staff must coordinate all transactions with the State Records Center through the agency's Records Management Officer.

Agency staff are responsible for boxing their inactive records and preparing a content list for each storage box. Staff can obtain standard storage cartons from the RMO.

The state agency will follow procedures for using the services of the State Records Center as outlined on State Archives' website at <https://www.archives.nysed.gov/records/state-records-center>.

For further advice and assistance, staff may contact the agency RMO or the State Records Center at (518) 457-3171 or [records@mail.nysed.gov](mailto:records@mail.nysed.gov).

### ***IV.3 Storage of Microfilm Masters***

#### *IV.3.1 Storage of Microfilm Masters*

The [State Agency] will store its master microfilm at the State Records Center to ensure the availability of the microfilm if needed in the event of a disaster. Agency staff will follow procedures for preparing microfilm for transfer outlined at <https://www.archives.nysed.gov/records/state-records-center-transferring-records>.

#### *IV.3.2 Transfer of Microfilm to the State Archives*

The agency will transfer microfilm of archival records to the State Archives when indicated in approved RDAs, including making duplicate copies of microfilm for use at the Archives. The State Archives should be consulted, if possible, before any such filming or digitization of film takes place to ensure film/image quality and the accessibility of the records (see Section II.1.2, Standards for Microfilm).

### ***IV.4 Storage of Electronic Records***

#### *IV.4.1 Backup Procedures*

In most cases, individual departments are not required to back up their own electronic records. The agency's information technology (IT) department will be responsible for backing up all records, information systems, and software applications on the agency-wide Local Area Network (LAN). Staff should store records on the LAN rather than on their personal computers.

The IT department will back up the entire LAN. This backup schedule is outlined in another policy developed by IT. Key electronic systems will be subject to redundant backup procedures that are documented by the IT department.

#### *IV.4.2 Storage of Backups*

Daily and weekly backups will be stored offsite at the State Records Center.

#### *IV.4.3 Use of Storage Media*

Removable storage media is only to be used for backups, transfer of data, and temporary storage.

For transferring archival records to the State Archives, the agency should consult with State Archives staff.

See the Appendix for detailed guidelines concerning storage media for non-archival records, and for procedures on managing removable media.

## **V Disaster Management**

*The [State Agency] has implemented proactive measures that anticipate disasters and their potential impact on its information assets. The agency recognizes, however, that disasters can occur in spite of all best efforts and has developed a disaster response and business continuity plan to minimize and quickly recover from the impact of a disaster that may affect its records.*

*[NOTE: The State Archives has developed a publication titled [Preparing for the Worst: Managing Records Disasters](#), which provides further details about disaster planning. In addition, the Archives' website includes records disaster resources and lists of disaster recovery vendors, see <https://www.archives.nysed.gov/records/topic-disaster-management>.]*

### **V.1 Disaster Planning**

#### *V.1.1 Disaster Preparedness, Response, and Continuity of Operations*

The agency RMO will maintain an up-to-date disaster plan that outlines preventive measures currently in place, how to respond to various disasters affecting agency records, and how to resume business operations as quickly as possible after a disaster occurs. This plan has been incorporated into the agency's and the building's overall disaster response plan.

The Records Management Officer, agency commissioner, and all agency department heads are required to maintain a paper copy of this plan in their offices and at their homes, so that the agency may respond to a disaster no matter when it occurs or which staff is immediately available.

#### *V.1.2 Vital Records Protection*

Vital records are those records that are essential to the operation of the agency and that document the assets of the agency and the state. Loss of the agency's vital records would seriously impair or prevent the agency from fulfilling its mandated mission.

The Records Management Officer's office, in cooperation with individual departments and units, will identify and maintain a list of the vital records in each agency department (Appendix VIII.5.1.)

The agency uses one of the following methods to protect its vital records:

- a) Onsite storage in fire-resistant equipment or facilities
- b) Storage of copies in a secure, separate building not subject to the same disaster

At least once each year, the Records Management Officer will review the protective measures in place for the agency's vital records to ensure the appropriateness of these measures.

#### *V.1.3 Risk Assessments*

The [State Agency] will perform risk assessments every two years under the direction of the Records Management Officer. These assessments will determine probable risks to agency records, focusing especially on risks to vital records and systems.

The agency will use these assessments to update its disaster prevention and recovery plans. The State Archives, Office of Information Technology Services, and New York State Office of Emergency Management will be consulted when necessary. The State Office of General Services must also be consulted as the owner of buildings used by this agency.

#### *V.1.4 Recovery Strategies*

The agency RMO has discussed with the building manager when the agency can and cannot be involved in disaster recovery efforts, and has documented this clearly in the disaster plan.

For each of the vital records and systems, the Records Management Officer will determine the appropriate disaster prevention process and recovery strategy in case of a disaster.

#### *V.1.5 Evaluating and Updating the Plan*

Every two years, during this disaster reassessment process, the agency will evaluate and update its current disaster response plan. The Records Management Officer is responsible for ensuring that the disaster response plan is updated.

#### *V.1.6 Testing Criteria and Procedures*

With any change to the disaster response plan, the Records Management Officer and the Records Coordination Committee will develop testing criteria for disaster response and procedures for determining the viability of the criteria and testing procedures.

#### *V.1.7 Testing the Plan*

Each part of the disaster response plan must be tested to ensure that it works. The Records Management Officer and individual departments will carry out such testing, which may include physical testing, tabletop testing, computer simulations, or other methods.

## **V.2 *Records Security***

### *V.2.1 Facility Security*

The [State Agency] will work with the building manager to ensure that its records are protected:

- a) All offices holding records that require extra security, including confidential records, as well as the agency's central file room, will be locked at the end of each day. The records storage area will also be locked whenever there is no ongoing need to enter these areas during the day
- b) Active records that require extra security, including confidential records, will be stored in locking filing cabinets

### *V.2.2 Security of Electronic Records and Networks*

This agency adheres to the statewide policy on information security promulgated by the New York State Office of Information Technology Services ([\*Information Security Policy PO3-002\*](#)). The policy is also mandatory for any “outsourced third parties who have access to or manage state entity information.”

To ensure compliance, the IT department and the agency's Information Security Officer (a position mandated by the *Information Security Policy*) have developed a separate policy and training program to address the security of the agency's electronic systems.

The RMO will work with the ISO and IT department to assign appropriate access rights for staff to electronic records and information systems.

## **VI *Records Retrieval and Access***

*The agency recognizes that the primary purpose for creating and maintaining records is to make them as usable as possible. It has therefore implemented procedures and other controls that will allow the highest level of access to information possible by staff and members of the general public, balancing that access against the need to protect the business interests of the agency and the personal rights and assets of its employees and constituency.*

### **VI.1 *Maintaining Access to Records***

The Records Management Officer will ensure that all staff can easily locate the records they need to do their work on behalf of the agency. For these reasons, agency departments must maintain necessary access controls over their records, as described in this section of the manual. A department that needs help setting up such controls should contact the Records Management Officer as well as the agency's Records Access Officer.

## ***VI.2 Active Filing Systems***

### *VI.2.1 Files Management Standards*

Staff should follow the agency's filing standards, which are based on State Archives guidelines that were tailored to the agency's own business needs and requirements.

### *VI.2.2 Purchase of Filing Equipment*

The RMO has worked with the agency's purchasing agent to identify and compile a list of appropriate filing and storage equipment for active agency records, including letter-size paper records, microfilm, maps and oversize drawings, and special media (see the Appendix for the list of approved filing equipment and supplies). Agency staff may work with the RMO to identify storage equipment that takes into account their availability of space, access needs, appropriate fire-resistance, and general records management principles.

Agency staff who wish to purchase equipment that is not included on the list of acceptable filing and storage equipment must submit a justification outlining the reasons for this exception and obtain permission from the RMO.

### *VI.2.3 Developing Filing Systems*

Agency staff may work with the RMO and State Archives staff to redesign file systems that are currently inadequate or to design new filing or information systems.

### *VI.2.4 File Manuals*

The [State Agency] will develop and maintain file manuals for large, shared active filing systems that require especially detailed controls (see current agency file manual manuals in the Appendix). Department staff may consult with the RMO and State Archives staff to determine the types of information that will make their file manuals meaningful to and useful for staff.

## ***VI.3 Inactive Records Retrieval***

Staff must coordinate the retrieval of records from the State Records Center through the agency's Records Management Officer and follow instructions on requesting records at the State Records Center, see <https://www.archives.nysed.gov/records/state-records-center-accessing-records>.

## ***VI.4 Records Management Software***

The Records Management Officer maintains a records management software program to track inactive records in storage and to indicate when the retention periods for records in storage have passed. To ensure the agency maintains an up-to-date and accurate index, the

Records Management Officer will maintain and update a procedures manual to the program (See the Appendix for a copy of this procedures manual).

*[NOTE: While more comprehensive Records Management Software is recommended, at a minimum an agency should maintain a database listing its records in inactive storage.]*

## **VI.5 Access to Electronic Records**

### *VI.5.1 Filing Structure for Local Area Network*

For details of the [State Agency]’s filing structure for its Local Area Network, see the LAN itself and the file manual for the LAN in the Appendix.

### *VI.5.2 Production of Indices to Records*

Agency staff may develop indices to enhance access to certain records. The Records Management Officer will work with individual departments to make sure that indices contain the appropriate fields and design to provide the access that users require. Indices may either be stand-alone databases to paper records (project case files, for example) or embedded in the metadata of electronic documents.

Working with the RMO and IT department, a department may also implement a full-text search engine for records that are in a text format or can feasibly be converted to electronic text. Full-text search capability may either take the place of the index or be implemented in addition to an index. For more information about indexing and sample indices, see [https://www.archives.nysed.gov/records/mr\\_id\\_index.shtml](https://www.archives.nysed.gov/records/mr_id_index.shtml).

### *VI.5.3 Ensuring against Technical Obsolescence*

The IT department will work with the RMO to ensure that the agency’s electronic records do not become inaccessible because of technical obsolescence or media degradation. (See Section VII.5, Systems Maintenance.)

## **VI.6 Confidentiality of Records**

### *VI.6.1 Employee Notice of Confidentiality*

An “Employee Notice of Confidentiality” establishes the Agency’s commitment to the goal of personal privacy of staff while simultaneously permitting public access to records under State law. Employees will be trained on which records series contain information exempt from disclosure. Staff should become familiar with the website of the Committee on Open Government (<https://opengovernment.ny.gov/>), which is responsible for administering the Personal Privacy Protection Law and the Freedom of Information Law.

Appropriate new staff will receive training on the confidentiality of and access to records within the first two months of being hired. Certification of this training will be kept in the employee's personnel file.

The agency's ISO is responsible for overseeing the implementation of the information security policy developed by the Office of Information Technology Services, which requires classification of records by levels of confidentiality. The policy can be found at <https://its.ny.gov/tables/technologypolicyindex>. The ISO will work with the Records Coordination Committee to ensure the policy is implemented and enforced.

## ***VI.7 Public Access to Records***

### *VI.7.1 Records Access Officer*

The agency provides public access to records in accordance with the New York State Freedom of Information Law and other applicable state and federal statutes, and the agency's rules and regulations.

Staff must refer all Freedom of Information Law (FOIL) requests to the Records Access Officer (or an assistant, if that person is absent), who is responsible for ensuring an initial response to all FOIL requests within five business days

The responsibilities of the Records Access Officer are outlined in the Regulations of the Committee on Open Government 21 NYCRR §1401.2.

### *VI.7.2 Complying with the Freedom of Information Law*

The Records Access Officer and the RMO will cooperate to develop and maintain a current subject matter list of records maintained by the agency, including updating that list at least annually and posting the current list on the agency website as required by Sect. 87.3(c) of Public Officers Law.

The Records Access Officer will work with the RMO to identify and retrieve records that are relevant to a FOIL request.

The agency's Records Access Officer will seek assistance on interpreting the provisions of FOIL from the Committee on Open Government when appropriate.

The Records Access Officer will consult with legal counsel as needed, especially if a request for access to records will be denied.

All new staff will receive training on public access to records and handling FOIL and other records requests from outside the Agency within the first two months of being hired. Certification of this training will be kept in the employee's personnel file. Staff should become familiar with the law itself, which is available at <https://opengovernment.ny.gov/>

The Records Access Officer has prepared and maintains a records access manual. This manual includes information to ensure the consistent application of the FOIL. (See the Appendix for a copy of the agency's records access manual.)

As required by FOIL, the agency has developed regulations that pertain to the availability of records and procedures to be followed. The Records Access Officer will adhere to these regulations.

## ***VI.8 Litigation Support***

### *VI.8.1 Responding to Legal Discovery*

The agency's legal counsel, the Records Management Officer, and the Records Access Officer must work together before responding to the legal action called discovery. Legal discovery is the action of the opposing party in a lawsuit legally demanding copies of all records related to the issue at hand. See the Appendix for detailed procedures on responding to legal discovery.

### *VI.8.2 Testifying at Hearings and Court Proceedings*

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

Anyone with questions about the legal status of these records management issues should contact the Records Management Officer.

## **VII Electronic Records**

*The [State Agency] is dedicated to using modern information technologies to improve services. At the same time, the agency recognizes that records and information created, transmitted, received, and maintained electronically have the same legal requirements as all other records. The agency has a responsibility to the people of New York to plan and implement new technology responsibly and according to the provisions of law. In addition, the [State Agency] recognizes the challenges of maintaining access to electronic records for their full retention period, and is dedicated to allocating appropriate staff and other resources for this purpose.*

### ***VII.1 Designing New Electronic Information Systems***

#### *VII.1.1 Needs Assessments for New Technologies*

To conserve financial resources and ensure that any technological change is an improvement, the agency will carry out a comprehensive needs assessment before purchasing any major information system, following instructions outlined in the State Archives' Publication #64,

*Conducting a Needs Assessment for New Recordkeeping Systems*, available at [https://www.archives.nysed.gov/sites/archives/files/mr\\_pub64.pdf](https://www.archives.nysed.gov/sites/archives/files/mr_pub64.pdf)

Specifically, a needs assessment will take into account the legal and recordkeeping requirements of any new system, including the creation of meaningful metadata and system documentation, the use of open technologies, the ability to extract records and metadata easily from the system, information security, retention and disposition, and any other requirements stipulated in laws and regulations.

## ***VII.2 Staff Use of Electronic Information Systems***

Each department or unit must determine specifically who has the authority to create, name, alter, and delete documents in 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.

## ***VII.3 Managing Email***

The agency has developed a separate policy on email management, following the model policy and guidelines developed by the State Archives in the publication titled *Developing a Policy for Managing Email*, which is posted on the Archives website at <https://www.archives.nysed.gov/publications/developing-policy-managing-email>. Agency staff will receive formal training on the management and appropriate use of email on a regular basis.

## ***VII.4 Maintaining the Official Website***

The agency will ensure that web records are managed and disposed of according to the appropriate retention schedule. The Archives uses a web crawler to periodically capture agency websites, however, there are technical limitations that prevent the crawler from consistently and accurately capturing all web records. Thus, the agency should not be reliant on the Archives' crawler as the only means of preserving web content and should develop appropriate means of preserving these records. The RMO will work with State Archives staff to identify the most effective way of managing its web records.

## ***VII.5 Managing Social Media***

The agency has developed a separate policy on managing social media, following the guidelines developed by the State Archives in the publication titled *Understanding the Importance of Managing Social Media Records*, which is posted on the Archives website at <https://www.archives.nysed.gov/publications/preliminary-guidance-social-media>. Agency staff involved in developing and posting social media will receive formal training on the management and appropriate use of it on a regular basis.

## **VII.6 System Maintenance**

### *VII.6.1 Documentation*

The IT department will maintain detailed system documentation for any electronic records system it installs in the agency. This documentation must be accurate, up-to-date, readily available if needed for court proceedings or other purposes, and clear and understandable to agency personnel who may be asked to testify on the agency's behalf.

### *VII.6.2 System Audits*

The agency will conduct and document regular audits of any information system. The IT department will work with the agency's Information Security Officer (ISO) to develop procedures for generating, reviewing, and maintaining system audits.

### *VII.6.3 Migration Plans*

To maintain intelligible access to electronic records, the agency's IT department, working with the agency RMO, must develop 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, especially when it involves long-term or permanent information, will be undertaken according to a planned schedule, judiciously and as infrequently as possible without loss of access to information.

## **VIII Archival Records**

*This state agency works in partnership with the State Archives to protect the documentary heritage of the people of New York. It transfers records identified as archival to the State Archives when those records are no longer needed for administrative purposes, and cares for the archival records that are still in its physical custody according to the guidelines and standards promulgated by the State Archives.*

### **VIII.1 Managing Archival Records**

#### *VIII.1.1 Role of and Relationship with the State Archives*

The State Archives is responsible for identifying archival records and for maintaining and preserving the State's archival records once they are no longer actively used by the agency. The agency is responsible for managing archival records that are still in active use. Once archival agency records are no longer needed, the agency will arrange to transfer the records to the State Archives.

If archival records are in poor physical condition or accessibility issues exist, the agency should consult with the State Archives which can provide information and advice on preservation. If archival records are frequently used, the agency should consider creating a use copy (e.g., scanned or microfilmed copy) and transferring a copy to the Archives.

#### *VIII.1.2 Reformatting*

Whenever possible to reduce bulk, to minimize damage from handling, and to produce a security copy, the agency will undertake reformatting through microfilm, preservation copying, or scanning of archival records, following the State Archives' standards for reformatting technologies. If filmed, copies of the microfilm should be offered to the State Archives. (See II.1.3, Standards for Microfilm, and II.1.4, Standards for Digital Images.)

#### *VIII.1.3 Agency Records Held by the State Archives*

Researchers and other outside users will be referred directly to the State Archives for any archival agency records held by the State Archives. Potential users will be subject to rules and regulations of the State Archives in accessing and reproducing these records. Consult this web page for more information: <https://www.archives.nysed.gov/research/researcher-services>. When necessary to meet unanticipated agency needs, arrangements can be made with the State Archives to temporarily return archival records transferred by the agency to the State Archives, subject to agreed-upon terms and conditions.

### ***VIII.2 Alienated Government Records***

#### *VIII.2.1 Reasons Records Stray from Government Custody*

Records occasionally stray from government custody when they are either discarded before their retention period is over but recovered by others or taken illegally by agency staff or others.

#### *VIII.2.2 Recovering Alienated Records*

When it is discovered that some other entity has unauthorized physical possession of its official records, the agency RMO will initiate efforts to recover the records by first contacting the agency's legal counsel.

If the RMO and legal counsel cannot reach an agreement with the other party to return the records in question, they will consult with the Office of State Attorney General to investigate an appropriate response. The involvement of the Attorney General may resolve the matter without the necessity to take formal legal action.

## **IX Appendices**

*Below are listed a few possible appendices to the manual, including more detailed manuals for complicated recordkeeping systems and processes. This list is for sample use only. You would need to develop appendices that you found valuable and necessary for your operations.*

### ***IX.1 Records Management Program***

*IX.1.1 Glossary of Records Management Terms*

*IX.1.2 List of Records Management Liaisons*

### ***IX.2 Creation of Records***

*IX.2.1 Standard Microfilm Contract*

*IX.2.2 Standard Imaging Contract*

*IX.2.3 Production of Minutes*

*IX.2.4 Retention and Disposition of Minutes and Recordings of Hearings and Public Meetings*

*IX.2.5 Indexing Manual for Hearings and Proceedings*

*IX.2.6 Master List of Indexing Terms for Hearings and Proceedings*

### ***IX.3 Retention and Disposition of Records***

*IX.3.1 State Archives Scheduling Forms*

*IX.3.2 Office Retention Schedules*

*IX.3.3 Records Disposition Documentation Forms*

*IX.3.4 Disposition of Agency Records*

### ***IX.4 Storage and Preservation of Records***

*IX.4.1 Records Management Software Procedures Manual*

*IX.4.2 Determining What Records to Transfer to Inactive Storage*

*IX.4.3 Preparing Records for Transfer to Inactive Storage*

*IX.4.4 Preparing the Records Transfer List Form and the REC-1 Form*

*IX.4.5 Records Pick-Up for Inactive Storage*

*IX.4.6 Storage Media for Non-Archival Records*

*IX.4.7 Managing Removable Storage Media*

### ***IX.5 Disaster Management***

*IX.5.1 Standards for the Fire Protection of Records*

*IX.5.2 List of Vital Records*

*IX.5.3 Disaster Plan*

*IX.5.4 Contact Information*

*IX.5.5 Sources of Disaster Planning and Recovery Assistance*

## ***IX.6 Records Retrieval and Access***

- IX.6.1 Files Management Practices*
- IX.6.2 Filing Equipment and Supplies*
- IX.6.3 File Manuals*
- IX.6.4 Filing Structure for the LAN*
- IX.6.5 Forms Management*
- IX.6.6 List of Official Agency Forms*
- IX.6.7 Employee Notice of Confidentiality*
- IX.6.8 Responding to Legal Discovery*
- IX.6.9 Records Access Manual*

## ***IX.7 Electronic Records***

- IX.7.1 Geographic Information System (GIS) Procedures Manual*
- IX.7.2 Electronic Document Managing System (EDMS)*
- IX.7.3 Stand-alone Imaging System Procedures Manual*
- IX.7.4 Website Management Procedures Manual*
- IX.7.5 Password Criteria and Suggestions*

## ***IX.8 Archival Records***

- IX.8.1 Procedures for Transferring Records to the New York State Archives (See <https://www.archives.nysed.gov/records/procedures-for-transferring-records>)*

## **X Reference Material**

### ***X.1 Retention Schedules and Authorizations***

- X.1.1 State General Schedule (See <https://www.archives.nysed.gov/records/retention-schedules-state>)*
- X.1.2 Copies of Approved RDAs*

### ***X.2 Records Laws and Regulations***

- X.2.1 State Government Records Law and Regulations (See <https://www.archives.nysed.gov/records/laws-arts-and-cultural-affairs-57-05> and <https://www.archives.nysed.gov/records/laws-reg188>)*
- X.2.2 [Freedom of Information Law](#)*
- X.2.3 [Personal Privacy Protection Law](#)*

### ***X.3 State Archives Publications***

## **XI Index**

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

But a very complex manual may be most helpful if maintained accessible online as an electronic document, in which case the document would automatically be searchable.