



Guidelines for Managing State Agency Executive Office Records

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Introduction

All government employees have a responsibility to manage records to serve the best interests of the public. Government leaders have a special obligation to create and preserve records that provide evidence of their decisions and of an agency's functions, organization, policies, programs, and activities. These *Guidelines for Managing State Agency Executive Office Records* are intended to help agency heads and executive office staff meet their legally mandated recordkeeping obligations.

In New York State government, the State Archives provides records management training, advisory services, and technical assistance to state agencies. The State Archives also has statutory responsibility to review and approve plans for the disposal or transfer of any records no longer needed by an agency. If you have questions or require direct assistance on these matters, contact the State Archives at (518) 474-6926.

1. What are records?

Records contain valuable information used to support decision-making, sustain communications, control the delivery of services, substantiate citizen entitlement, and ensure accountability. Section 57.05 of the Arts and Cultural Affairs Law defines records as all documentary materials, regardless of media, made or received by any agency in the pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation as evidence of the activities of state government.

2. What are executive office records?

Executive office records are those records created or received by the offices of state agency commissioners, executive directors or other agency heads, as well as offices of other senior agency officials. Executive office records are crucial for understanding the actions, activities and decisions of these officials as they manage their agencies and interact with agency staff, state officials, legislators, representatives of non-government agencies, and the general public.

Examples of executive office records include

- policies, procedures, plans, and studies
- minutes, agendas, and meeting files of government and advisory bodies
- transcripts of hearings
- subject and correspondence files
- news releases
- speech files
- photographs or digital images of agency-related subjects and events
- records of agency-proposed legislation

Records do not include

- multiple copies created solely for convenience of use
- stocks of publications or blank forms
- personal materials, such as family photographs, birthday cards, and invitations
- published reference books
- museum artifacts

Records exist in various formats and on different media. They may be paper, micrographic, or electronic form, and electronic records may include emails, spreadsheets, databases, digital images, audio and video recordings, and textual documents.

3. Are there legal requirements concerning executive office records?

There are several legal mandates that require agencies to manage their records.

- The disposal of New York State executive branch agency records is governed by the Arts & Cultural Affairs Law (§ 57.05) and the Regulations of the Commissioner of Education (Part 185 of 8NYCRR). These laws require state agencies to obtain authorization from the New York State Archives before disposing of any records.
- According to The New York State Governmental Accountability, Audit and Internal Control Act of 1987, agencies must develop records management policies and procedures to meet internal control requirements designed to protect legal, financial and other interests of the government and the public.
- The Freedom of Information Law (Public Officers Law § 87) regulates access to state agency records. Among other mandates, FOIL requires every state agency to maintain a subject matter list of all records held by the agency.

4. How can executive offices legally dispose of their records?

Many agency executive offices already have approved records retention and disposition schedules in place. To find out whether this is true for your agency, contact your agency Records Management Officer (RMO) or contact the State Archives' Scheduling and Records Services at (518) 474-6926.

If you do not have schedules in place, your RMO will help you prepare them. Your RMO will work with Archives staff to ensure your office meets all legal, fiscal, and administrative requirements. Depending on the records involved, final disposition may involve the transfer of records to the State Archives for permanent preservation.

5. Where can agencies store records temporarily?

The State Archives' State Records Center, located in Albany, provides inexpensive storage of records no longer needed for current use, but which still need to be retained by agencies for legal, fiscal, or other requirements. Records Center staff will pick up records, store them at the Records Center, and provide reference retrieval services at the request of your agency. Records stored at the State Records Center remain under your agency's legal custody, and only authorized agency staff may access them. Contact the State Records Center at (518) 457-3171 for more information.

6. What records are preserved in the State Archives? Who makes the decision and how?

Most executive office files have enduring research and evidential value. Exceptions include routine "housekeeping" records such as copies of travel requests and orders for supplies, which are covered by the *General Retention and Disposition Schedule for New York State Government Records*. The State Archives is authorized by law to identify and preserve the archival records of New York State government, and agencies are legally required to transfer archival records to the State Archives when the records are no longer used to conduct business. The State Archives assumes legal ownership of archival records it acquires from agencies.

7. How do agencies transfer records to the State Archives?

To transfer records to the Archives, contact your agency's Records Management Officer. Your RMO will contact the State Archives' Accessioning Unit to initiate, coordinate, and document the transfer. Your agency is responsible for boxing the records, compiling a list of records to be transferred, signing a transfer agreement, and working with the State Archives to have the records picked up at a mutually convenient time.

8. Will the State Archives accept records in electronic form?

The State Archives accepts records in all formats. Your RMO will contact staff in the Electronic Records Unit to arrange the transfer of electronic records to the State Archives.

9. Can an agency retrieve its records from the State Archives following transfer?

Staff from agencies may use records in the research room of the State Archives on the 11th floor of the Cultural Education Center from 9 am to 5 pm on Mondays through Fridays, and from 9:30 am to 4:30 pm on Saturdays, excepting state holidays. In addition, the Archives can usually supply copies of records within twenty-four hours of a request. If an agency has a compelling need to have physical custody of the original records, Archives staff will lend the records back to the agency on a temporary basis. Agencies may call the State Archives' Reference Services at (518) 474-8955 for assistance accessing records.

10. Are records open to the public after they are transferred to the State Archives?

The mission of the New York State Archives is to preserve and ensure access to records of state government that have enduring value. At the time records are transferred by an agency, the State Archives assumes responsibility for administering access to these records. The State Archives follows the provisions of the Freedom of Information and Personal Privacy Protection Laws, and any state or federal laws that apply to particular records. Agencies transferring records are asked to provide information on particular statutory or other requirements that may affect or preclude disclosure.

For more information

The State Archives, part of the State Education Department, provides assistance, direct services, educational programs, and publications to help agencies meet recordkeeping requirements through effective records management. For further information, contact:

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