

TOWN OF PRESCOTT VALLEY

POLICIES AND PROCEDURES

Subject: ELECTRONIC RECORDS MANAGEMENT	File Under Section: RECORDS
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Effective Date: October 12, 2013 Resolution No. 1853	Number: 5-04	Page: 1 of 6
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Supersedes:

**All Other Existing Directives
Of a Similar Nature**

Approved By:

Larry Tarkowski,
Town Manager
Date: _____

1.0 POLICY

It is the policy of the Town of Prescott Valley to establish uniform procedures for the management (creation, maintenance, access and use, retention and disposition) of electronic records in accordance with state law.

2.0 PURPOSE

- 2.1 The purpose of this policy is to set forth the guidelines and mutual responsibilities for managing all electronic records whether received or created via work place computer, laptop, or other electronic communication device.
- 2.2 The Town Clerk and the Information Technology Division (IT) are responsible for the update and enforcement of this policy.
- 2.3 It is the responsibility of every Department Head to ensure that the employees in their Department have received adequate training to comply with this policy.
- 2.4 It is the responsibility of each employee to manage electronic records in accordance with this policy.

3.0 APPLICABILITY

- 3.1 This policy applies to all full- and part-time employees, volunteers and elected officials (employees) who create, send, receive or maintain electronic records in the course of their duties.

4.0 REFERENCE

4.1 Authority

Arizona Revised Statutes (ARS) §41-151.14 provides that the head of each local agency shall establish and maintain an active and continuing program for the economical and efficient management of the public records of the agency.

ARS §41-151.15 - All records made or received by public officials or employees of this state in the course of their public duties are the property of the state. Records shall not be destroyed or otherwise disposed of by any agency of the state, unless it is determined by ASLAPR that the record has no further administrative, legal, fiscal, research or historical value.

ARS §41-151.16(A) authorizes each agency of this state or any of its political subdivisions to implement a program for the production or reproduction by photography or other method of reproduction on film, microfiche, digital imaging or other electronic media of records in its custody, whether obsolete or current, and classify, catalogue and index such records for convenient reference.

ARS §41-151.18 - "Records" means all books, papers, maps, photographs or other documentary materials, *regardless of physical form or characteristics*, ... made or received by an agency in pursuance of law or in the connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government ...

ARS §41-151.19 provides that every public officer who has public records in the public officer's custody shall consult periodically with ASLAPR to determine whether the records in question are of legal, administrative, historical or other value. Those records determined to be of legal, administrative, historical or other value shall be preserved. Those records determined to be of no legal, administrative, historical or other value shall be disposed of by such method as ASLAPR may specify. A report of records destruction that includes a list of all records disposed of shall be filed at least annually with ASLAPR on a prescribed form.

ARS §38-421 provides that an officer having custody of any record filed or deposited in any public office or placed in his hands for any purpose, who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes the whole or any part thereof, or who permits any other person so to do, is guilty of a class 4 felony.

ARS §39-101 provides that permanent public records of the state, county, city or town, or other political subdivision of the state, shall be transcribed or kept on paper or other material which is of durable or permanent quality and which conforms to standards established by ASLAPR.

ARS §44-7041 Each governmental agency shall determine if, and the extent to which, the governmental agency will create and retain electronic records and convert written records to electronic records. Any governmental agency that is subject to the management, preservation, determination of value and disposition of records requirements prescribed in §§ 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16,

41-151.17, 41-151.18 and 41-151.19 and the permanent public records requirements prescribed in § 39-101 shall comply with those requirements.

ARS §13-2407 provides that any person tampering (as defined therein) with a public record commits a class 6 felony.

Rules, Regulations, Standards and Procedures issued by ASLAPR.

Town of Prescott Valley Records Retention & Disposition Policy

Town of Prescott Valley Public Records Access Policy

Town of Prescott Valley Town Code

5.0 DEFINITIONS

Active Records: records that include data or information that is referred to frequently during the course of business.

Duplicate Records: copies of original records that are retained pursuant to approved record retention and disposal schedules. Duplicate records are often transmitted to multiple employees for reference or convenience and usually have a short-term value.

E-Mail: a document created or received on an electronic mail system including any attachments that may be transmitted with the message.

Inactive Records: records that include data or information that is referred to less than once a month during the course of business.

Listserv: an electronic mailing list software application, consisting of a set of email addresses for a group in which the sender can send one email and it will reach a variety of people.

Litigation Hold: a temporary suspension of the Town's records retention schedule for records that may be relevant to a law suit (pending or anticipated) or that are reasonably anticipated to be relevant. A litigation hold ensures that the documents relating to the litigation are not destroyed and are available for the discovery process prior to litigation.

Metadata: the data that is embedded in an electronic document that serves to provide context or additional information about the electronic document (e.g. date created, sent, received, replied to, or forwarded; copy and blind copy information; addresses of all senders/recipients)

Public Record: "records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to [ARS] section 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record, and includes records that are made confidential by statute. Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons are not included within the definition of records as used in this article." ARS §41-151.18.

Transitory Messages: e-mail messages that serve to convey information of short-term value. Transitory messages DO NOT set policy, establish guidelines or procedures, certify a transaction or become a receipt. Examples of transitory messages may include incoming listserv messages, personal e-mail messages unrelated to Town business, spam or unsolicited advertisements or sales promotions, non-policy announcements, published reference materials, scheduling invitations and responses, thank-you responses, replies to routine questions, out-of-office replies, drafts, and attachments to e-mail that are identical to records that are stored and managed outside the e-mail system pursuant to approved record retention and disposal schedules.

6.0 PROCEDURES

Every electronic public record that is created or received by a Town employee in their official capacity is subject to the terms of the public records law including record retention and disposal requirements. Each employee is responsible for managing their electronic public records, including e-mail, created, sent and received in the course of business. Each employee must sort, file, retrieve, and retain or delete their electronic records in accordance with the municipal retention schedules adopted by the Town and approved by the Arizona State Library, Archives and Public Records, or by exception (e.g. litigation hold), whichever is longest.

6.1 E-Mail

6.1.1 Sorting

Each employee is responsible to manage their e-mail mailbox on a daily basis. Effective management of e-mails involves sorting the messages to determine whether a message is a public record subject to retention and disposal schedules or a transitory message or duplicate record. The content and intent (not the format) of the e-mail message determines whether the e-mail is a transitory message/duplicate record or a public record subject to retention. Examples of e-mails that are public records are those that:

- Approve or authorize actions or expenditures
- May be formal communications between staff relating to official business
- May signify a policy change or development
- May create a precedent by issuing instructions or advice
- May relate to the substantive business of the office
- May have value for other people or the work unit as a whole

6.1.2 Filing

All e-mail messages that are public records must be filed using one of the following options:

“T” Drive: Employees may choose to save each active record, together with any attachments, to the Department’s “T” drive for so long as the record remains active. Once a record’s value has been served or becomes inactive, that record shall be transferred to Laserfiche for the duration of the retention period.

Laserfiche: All inactive records shall be saved in Laserfiche in accordance with procedures established by the Town Clerk and the IT Division. Employees may also choose to save each active record in Laserfiche rather than saving them to the Department’s “T” drive.

Paper Format: E-mail records, together with any attachments, may be printed and saved in paper format. Employees choosing this option* must also extract and print the metadata attached to the e-mail records. The printed copy of the metadata shall be attached to the paper copy of the message and filed and retained pursuant to Town Policy No. 5-01 “Records Management Program.”

*Employees may only choose this option after completing the training presentation regarding extracting and printing metadata.

6.1.3 Transitory Messages and Duplicate Records

Transitory messages and duplicate records usually have only a short-term value and should be deleted as soon as their value ends. Transitory messages and duplicate records should not be saved to Laserfiche.

6.2 Text Messages

All text messages created, sent or received by employees in the course and scope of their employment must be forwarded to their Outlook mailbox for retention purposes. After forwarding text messages to their Outlook mailbox, employees should sort and file or delete each text message using the same criteria applied to e-mail messages set forth in Subsection 6.1 of this Policy.

Employees unfamiliar with the process of forwarding text messages to the Outlook system should contact the IT Division for instruction.

Employees with mobile phones that are incapable of forwarding text messages to the Outlook system shall not use text messaging to create, send or receive Town business messages.

6.3 Telephone Messages

All telephone messages that are recorded on the Town’s voicemail system are also saved as “.wav” files in the Outlook mailbox system. Employees should sort and file or delete each voicemail “.wav” file in their Outlook mailboxes on a daily basis using the same criteria applied to e-mail messages set forth in Subsection 6.1 of this Policy.

6.4 Social Media

Information posted to Facebook, Twitter, etc. is saved in perpetuity as long as the account exists.

6.5 Other Electronic Records

Most of the Town's documents are created electronically using word processing software or other software programs. Each employee who creates an electronic document must determine whether or not it is a public record subject to retention and disposal schedules. All active electronic records may be saved to the Department's "T" drive for so long as the record remains active. Once a record's value has been served or becomes inactive, that record shall be transferred to Laserfiche for the duration of the retention period. Active electronic records may also be saved directly to Laserfiche rather than the "T" drive.

6.6 Personal Electronic Devices

If Town business electronic documents are created on or sent to/from an employee's personal electronic device, they are subject to the Public Records laws and this policy.

6.7 Litigation Holds

When the Town Attorney receives notice that a lawsuit has been filed against the Town or any of its employees acting in the course and scope of their employment, or when the Town Attorney reasonably anticipates litigation against the Town or any of its employees, the Town must initiate a litigation hold to preserve documents and electronic records that may relate to the litigation and that are in the Town's possession, custody, or control.

The Town Attorney will issue the formal litigation hold notice to all involved departments and employees within the Town. The Town Attorney will build a case folder structure on the Town's "P" drive and will instruct all employees on how to use these folders to deposit copies of all relevant electronic records that are subject to the litigation hold. The electronic *originals* shall remain in the custody of the originating employees for the duration of the litigation hold or until further notice by the Town Attorney. All retention schedules attached to records subject to a litigation hold shall be suspended until further notice by the Town Attorney.

Once the litigation hold expires and upon notice by the Town attorney, the subject electronic records shall be sorted and filed pursuant to this Policy and the Town's retention and disposal schedules.

6.8 Public Records Requests

Upon receipt of a public records request, the Town Clerk's Office will work with employees to promptly retrieve all applicable electronic records on the e-mail system, network drive(s) and/or in Laserfiche. Employees shall promptly respond to all public records request in the time and manner prescribed in Town Policy No. 5-02 "Public Records Access."

6.9 Termination of Employment

Upon termination of employment of any employee, the employee's Department Head will ensure that the electronic records of the departing employee are sorted and filed in accordance with this Policy.

6.10 System Back-Up

The IT department is responsible for performing a back-up of the Town's network, including the e-mail system, at regularly scheduled intervals. This back-up procedure is intended only for restoration of the Town's data in the event of a catastrophic failure and is not intended for retention and disposal of the Town's electronic records. In no event shall electronic records be retrieved from the Town's back-up system except in the event of a catastrophic failure.