

Draft Minutes

**State Government Council
Electronic Records Retention Meeting
Tuesday July 16, 2002, 1:30 to 3:30
Nebraska State Office Building, Lower Level F
Lincoln Nebraska**

Participants

Mahendra Bansal, Department of Natural Resources
Bob Beecham, Department of Education
Dennis Burling, Department of Environmental Quality
John Cariotto, Court Administrator's Office
Randy Cercle, Workers Compensation Court
Cathy Danahy, Secretary of State-Records Management
Su Perk Davis, Workers Compensation Court
Scott Evers, Department of Labor
Michele Fagan, Secretary of State-Records Management
Andrea Faling, Historical Society
Dick Gettemy, Department of Revenue
Jerry Hielen, Information Management Services
Jeff Hogan, Department of Labor
Chris Hobbs, Department of Revenue
Greg Hood, Health & Human Services
Teresa Jacobs, Historical Society
Kevin Keller, Information Management Services
Joe Kellner, Department of Roads
Keith Larsen, Health & Human Services Systems
Greg Lemon, Secretary of State
Chuck Long, Department of Revenue
Anne McBride, Department of Environmental Quality
Kathy (Kate) L. Miller, Court Administrator's Office
Kristin Petersen, Department of Education
Bill Ptacek, Secretary of State-Records Management
Ron Riethmuller, Correctional Services
Ron Ritchey, Information Management Services
Steve Schafer, Chief Information Officer

Resource Documents

Web Page Guidelines
Electronic Messaging and Electronic Mail (E-mail) Guidelines
Electronic Imaging Guidelines
Draft Paper on "Developing a Retention and Disposition Strategy for E-Mail"
Existing Record Retention Schedules of agencies

Discussion

Following introductions, Steve Schafer explained that the purpose of the meeting was to gain a better understanding of how the Records Management Act applies to electronic records and to determine whether and how the State Government Council should be involved in the issue.

Bill Ptacek of the Records Management Division described the Records Management Act, which governs the record retention policies of agencies. The broad statutory definition of a record encompasses all electronic forms of data, information. Statute requires retention of all records, unless an agency has an approved record retention schedule. So far no agency has amended their official record retention schedule to address electronic records.

The Secretary of State has published three sets of guidelines in the form of draft regulations. The guidelines cover web pages, electronic messaging (including e-mail) and electronic imaging. The guidelines are set to become formal regulations this January, but that timeframe is subject to change. The Secretary of State is also revising "Schedule 124", which includes many record series that are common to many agencies, such as accounting and payroll documents. The revised Schedule 124, for example, will incorporate the new types of records that are in the Nebraska Information System (NIS).

For a while the Records Management Division sponsored a work group that focused on the specific issue of e-mail retention. The group prepared a classification system that defined different retention periods for e-mail. Based on this classification, IMServices began work on writing an e-mail retention application. The project went through design and some development, but never progressed to a production environment.

Discussion included the following points:

- The record retention guidelines pertaining to e-mail also cover a broader range of electronic messages, including fax and electronic data interchange (EDI). There was considerable discussion about whether this would include transmissions and electronic logs of changes or just the final record.
- Transmission files will often be a short retention period.
- Sometimes the only thing changing is the format in which data are displayed.
- Does one have to retain the source code that includes the logic that generated the record?
- Regulations require the use of "durable" media for storing records. Presently, magnetic media are not considered durable.
- There is concern about how to maintain distribution lists for e-mail pursuant to Section 4.03 of the e-mail guidelines. The constantly changing nature of distribution lists makes it difficult to record the list of recipients to a particular electronic message.
- Current record retention policies should reflect the administrative, fiscal, legal, and historical value of records. These same factors should determine retention policies for electronic records.
- Agencies face significant legal risk if they do not have sound record retention policies and practices. Legal risk can translate into significant financial exposure.

Agencies identified several areas that would help them with integrating electronic records into their record retention policies. These include:

- Updating Section 124;
- Prioritize the types of electronic records and issues that should get immediate attention;
- Guidance on how to handle classification of electronic records;
- Guidance on technical solutions to electronic record retention;
- Assistance in writing record retention schedules for electronic records.
- Protecting the integrity of electronic records should be a vital component of any record retention policy.

Next Steps

Participants identified several options for further work on the issue of retention of electronic records.

- 1) Develop best practices, such as a model classification system for retention of electronic records. For example the draft paper on "Developing a Retention and Disposition Strategy for E-Mail" could become a template that agencies could adopt or use as a point of departure.
- 2) The State Government Council or another group could sponsor a session to develop priorities for addressing problems pertaining to retention of electronic records. E-mail may be a lower priority, since an easy solution for most agencies is to print out any messages that require long-term storage. Management of electronic databases consistent with the Records Management Act may pose a bigger problem and thus may constitute a higher priority.
- 3) Agencies need guidance on the issue of durable media for record retention.
- 4) Identify a sound technical solution to specific record retention needs, such as archiving e-mail.
- 5) Education and awareness training on record retention policies, including general user training regarding e-mail use and retention.

These issues will be presented to the State Government Council at their next meeting on Thursday August 8 at 1:30.