MANUAL

Commonwealth of Pennsylvania

Governor's Office

Subject: The Commonwealth of Pennsylvania Employee Records Management Manual	**Number:** Manual 210.1 Amended
By Direction of: Naomi Wyatt Naomi Wyatt, Secretary of Administration	**Date:** May 20, 2010
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This manual is designed to assist employees in organizing, maintaining, and disposing of records created and used in day-to-day operations.

The authority for this manual is derived from *Management Directive 210.5, The Commonwealth of Pennsylvania State Records Management Program*.

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This manual replaces, in its entirety, *Manual 210.1, Guide to Efficient Filing*, dated July 21, 1976.

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SECTION ONE: OVERVIEW

1.1 Overview.

This online manual is intended to assist employees in organizing, maintaining, and disposing of records created and used in day-to-day operations, in accordance with *Management Directive 210.5, The Commonwealth of Pennsylvania State Records Management Program*[1].

Information related to the business of an agency is a record and must be retained and disposed of in accordance with approved retention and disposition schedules. All records must be kept for an assigned period of time, which is the retention period. Records must also be disposed of properly, which is the disposition schedule. No record may be disposed of without being on an approved records retention and disposition schedule. Please note that records may be in any format, not just paper.

Each agency has an Agency Records Coordinator and an Agency Records Legal Liaison to assist employees, including field offices, with understanding and implementing the agency records management program. Some agencies may also have Agency Records Liaison(s) to support the Agency Records Coordinator and Agency Records Legal Liaison. If you are unsure about your agency's records management program or records staff, please contact the Pennsylvania Historical Museum Commission at RA-StateRecordsMgmt@pa.gov to obtain the name of your Agency Records Coordinator.

[1] Agency Records Coordinators should refer to *Manual 210.7, State Records Management Manual* for specific responsibilities, procedures and instructions.

SECTION TWO: KEY DEFINITIONS

2.1 **Active Records.** Records that are used to conduct current operations.

2.2 **Agency File Plan.** A tool used by employees to manage their records in accordance with the General and/or Agency-Specific Records Retention and Disposition Schedules. The Agency File Plan provides specific guidance to bureaus and offices to ensure that all employees properly manage records under their care and control.

2.3 **Agency Records Coordinator.** The employee appointed by the agency head to have agency-wide responsibility for managing and coordinating the agency's records management program. See *Manual 210.7, State Records Management Manual*.

2.4 **Agency Records Legal Liaison.** The agency attorney designated by the agency Chief Counsel to provide legal guidance to the Agency Open Records Officer and Agency Records Coordinator on the agency's response to a Right-to-Know Law request.

2.5 **Agency Records Liaison(s).** Employee(s) responsible for assisting the Agency Records Coordinator with managing and coordinating bureau/office records within an agency.

2.6 **Continuity of Operations/Vital Records.** Records needed to support critical functions during a Continuity of Operations event, to recover full operations following an emergency, and to protect the legal rights and interests of citizens and government. The two basic categories of vital records are emergency operating records (e.g. plans and directives, orders of succession, delegations of authorities and staffing assignments) and legal and financial records.

2.7 **Disposition.** Disposition occurs when records change custody, location, or cease to exist. Records at the end of their retention period may be sent to the State Archives or be shredded or recycled, depending on the disposition given for those records.

2.8 **Inactive Records.** Records that are not needed for ongoing agency business or that are accessed relatively infrequently, but whose retention period has not yet expired.

2.9 **Non-Records.** Information that does not meet the definition of a record. These materials relate to non-state government business or activities and may include items such as announcements of community events and personal e-mails. Non-records may also include publications such as trade journals, pamphlets, and reference materials received from outside organizations, conferences, and workshops. Non-records may be disposed of at the convenience of the agency when they have no more value or use to the agency. The following are examples of non-records:

- blank forms, publications, etc., which are outdated or superseded;

- preliminary drafts of letters, reports, and memoranda which do not represent significant basic steps in preparation of record documents;

- shorthand notes, stenography tapes, mechanical recordings which have since been transcribed, except where noted on the Agency-Specific Records Retention and Disposition Schedule;

- routing and other interdepartmental forms which do not add any significant material to the activity concerned; and

- form and guide letters, sample letters, form paragraphs, vendor product information packets and brochures.

2.10 Record. Information, regardless of physical form or characteristic, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes documents, papers, letters, maps, books, tapes, photographs, film or sound recordings, information stored or maintained electronically, and data- or image-processed documents.

2.11 Record Series. A group of records that may be treated as a unit for purposes of classification, designation, description, management, or disposition because they relate to a particular subject or function, result from the same activity, have a particular physical form, or because of some other relationship arising out of their creation, receipt or use.

2.12 Records Retention and Disposition Schedule. A comprehensive statement approved by the Executive Board showing retention periods and all actions to be taken with respect to disposition of records. The schedule describes the contents of each record series and defines: 1) the length of time each series is to be maintained in a prescribed format, such as paper or electronic; 2) the location where the records are to be stored, and; 3) the final disposition of the records (shredded, deleted or sent to the State Archives). There are two types of records retention and disposition schedules used by state agencies to control records: general and agency-specific. The General Records Retention and Disposition Schedule identifies record series common to most agencies. The Agency-Specific Records Retention and Disposition Schedule identifies unique record series created by an agency.

2.13 Transitory Records. Records that have little or no documentary or evidential value and that need not to be set aside for future use; have short term administrative, legal or fiscal value and should be disposed of once that administrative, legal or fiscal use has expired; or are only useful for a short period of time, perhaps to ensure that a task is completed or to help prepare a final product. For more detail refer to *Manual 210.9, The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule.*

Additional definitions are available in *Management Directive 210.5, The Commonwealth of Pennsylvania State Records Management Program*.

SECTION THREE: EMPLOYEE RESPONSIBILITIES

Employees are responsible for knowing the policy and procedures for maintaining records under their purview. Employees should work with their assigned Agency Records Coordinator, Agency Records Liaison(s), and/or supervisor or manager to ensure that records in any format, including paper and electronic, are maintained and disposed of in accordance with the Agency File Plan.

3.1 Records Retention and Disposition Schedules.

Records retention and disposition are terms used to define the amount of time to retain records and the means of disposing of records. The *Manual 210.9, The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule* controls the retention and disposition of records relating to common functions performed by or for most state agencies. It provides uniformity when similar records are found in numerous agencies. The Agency-Specific Records Retention and Disposition Schedule relates to records particular to a specific agency. They are prepared by agencies to control program-specific records not covered by the General Records Retention and Disposition Schedule.

All records are covered by the General and/or Agency-Specific Records Retention and Disposition Schedule. Employees are responsible for managing their records in compliance with the appropriate records retention and disposition schedule items listed on the Agency File Plan. The *Manual 210.9, The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule* is located on Pennsylvania Historical Museum Commission's Web site under state records management. The Agency Records Coordinator, Agency Records Liaison(s), and/or supervisor or manager is available to provide guidance and assistance to employees with reading and applying a general records retention and disposition schedule and with managing records under the their care and control.

3.2 Agency File Plans.

The Agency File Plan is the primary tool for employees to manage and track state records. The Agency File Plan includes all records series from the General and/or Agency-Specific Records Retention and Disposition Schedules.

Each Agency File Plan is to be kept current by employees in coordination with the Agency Records Coordinator, Agency Records Liaison, and/or supervisor or manager. The Office of Administration's Office of Enterprise Records Management reviews each Agency File Plan every five years. For guidance, assistance, or a sample format of an Agency File Plan, contact your Records Coordinator.

The Agency File Plan should include the following:

- **Record Name.** A title by which the record series is commonly known or referenced;
- **Record Series Description.** A description of the record series that includes enough detail for employees to understand the purpose and use of the record;

- **Record Series Item Number.** This number is the unique identifier listed on the General and/or Agency-Specific Records Retention and Disposition Schedules that identifies the specific record series;

- **Record Format.** Is the same as the media code found on records retention and disposition schedules and denotes the format of the record. For example paper, microfilm, electronic, multi-media (paper and electronic);

- **Record Location.** The site where the record series is maintained. For example: file cabinet in Joe Smith's office, building/room number, or human resources network drive folder;

- **Vital Record.** If a record series is listed on the agency Continuity of Operations plan, then this should be noted in your Agency File Plan;

- **Record, Official Copy or Reference Copy.** Indication of whether it is the official record or simply a copy of the record;

- **Public Access Exemptions.** Designation of exempt and legal justification for any exemption from disclosure under the Right-to-Know Law or other public access;

- **Date of Record.** General date or instructions to trigger the beginning of the retention period. For example: close of contract; end of month; fiscal year; case closed;

- **Retention Period.** The total amount of time that a record is maintained no matter where it is located;

- **Series Cut-off**. Calendar year, fiscal year, and other;

- **Disposition Instructions.** Instructions for what to do with the record series when the retention period is met;

- **Custodian of Record.** The name and related contact information of the employee responsible for the maintenance of the record series.

3.3 Electronic Records and Electronic Messaging Systems.

Electronic records and records from electronic messaging systems (email) are managed in a similar fashion to paper records by using electronic file folders. The retention and disposition of electronic records is based on the content, not format, of the record. The key to electronic records management is consistent filing and naming conventions and managing content upfront, so that non-records are not maintained with records.

Email management includes daily review of email records to dispose of non-records and transitory records, both sent and received, and to keep other electronic records in folders or locations from which they can be readily identified and retrieved. Electronic records should be stored and archived in accordance with the appropriate records retention and disposition schedule.

3.4 Records Legal / Audit Hold.

Records involved in a record legal/audit hold must be retained for the duration of the legal action/audit, even if the record exceeds the relevant records retention and disposition schedule requirements. No records related to known investigations, litigation, or audit holds may be destroyed without the approval of the Agency Records Legal Liaison. If an employee knows that records are involved in litigation or reasonably likely to be involved in litigation, any related records within the control of that employee must be retained and the employee should immediately consult with the Agency Records Coordinator, Agency Records Legal Liaison, Agency Records Liaison(s), and/or supervisor or manager to ensure proper retention and disposition of the records.

3.5 Records Requested Under the Right-to-Know Law.

The Agency Open Records Officer and the Agency Records Legal Liaison are to be consulted with regard to any records implicated in a Right-to-Know Law request. Records that are the subject of a current Right-to-Know Law request must be retained by the agency, even if their records retention and disposition schedule indicates otherwise. These records may <u>not</u> be destroyed during the duration of the active request, the appeal time related to the request, and any subsequent appeal related to the request. Employees should consult with the Agency Records Legal Liaison prior to the disposal of any records that have been requested under the Right-to-Know Law.

SECTION FOUR: ADDITIONAL RECORDS MANAGEMENT TOPICS

4.1 Continuity of Operations / Vital Records.

Vital or essential records are records that protect the legal rights and interests of citizens and government and are needed to continue operations both during and after an emergency. There are two basic categories of vital records:

a. **Emergency Operating Records.** Records which are needed immediately by fire and safety personnel during the actual emergency and records which are needed by agency management and personnel assigned to disaster recovery efforts. Examples include blueprints, floor plans, special fire hazard records (including Material Safety Data Sheets and Hazardous Substance Survey Forms), utility records, emergency plans and directives, orders of succession, delegations of authority, staffing assignments, vital records inventories, employee telephone lists, contracts including maintenance agreements, lists of alternate location sites, inventories of fixed assets, and five-year plans covering automated technology, both hardware and software.

b. **Legal and Financial Records.** Records which are needed by agency staff to continue mandated operations and services during and after the actual emergency and in order to preserve the legal and financial rights and interests of the agency and the individuals directly affected by its activities. Examples include forms used to provide services, insurance records, minutes, receipt and expenditure records, property and investment records, budgets, payroll and retirement records, articles of incorporation, current lists of clients, permits, and licensing records.

Employees in coordination with the Agency Records Coordinator, Agency Records Liaison(s), and/or supervisor or manager may be requested to identify vital records for the agency Continuity of Operations plan. It is important to remember that:

- Many records are considered important, however only a small percentage of the records are vital. In order for a record to be vital, it must be essential to emergency operations and to the organization’s continuance, or be difficult or impossible to replace.

- Although records designated as permanent are often vital, the length of time a record is retained does not necessarily mean that the record is vital.

- Vital records may be in any format or medium. Original copies of the records are not necessary. It is the information, not the medium that is most important.

In addition to identifying records, employees may be asked to recommend ways in which vital records can best be protected to ensure that they are available in the event of a disaster. Three methods of protecting vital records are: duplication and dispersal, on-site storage, and off-site storage.

1. **Duplication and Dispersal.** Vital records can be protected by distributing duplicate copies created in paper, microfilm, or electronic format to locations other than the agency's primary office space. During the regular course of business, duplicates of vital records are often routinely distributed to other buildings or field offices. The duplicate records should be designated as vital records; maintained in the proper condition, and retained for the same length of time as the official record.

2. **On-Site Storage.** Vital records can be protected by storing on-site in fire-resistant vaults, safes, or file cabinets. Such equipment is rated according to the maximum number of hours of exposure to fire and maximum temperature at which they will protect records.

   NOTE: The major disadvantage to on-site storage of vital records is the potential for total or near total destruction or contamination of a single facility in the event of a disaster.

3. **Off-Site Storage.** Vital records can be protected by storing them off-site if the reference rate is low, thereby eliminating the costs of duplication. An off-site storage facility should be located close enough for easy retrieval and updating of the records but far enough away from the primary space as to be unaffected by an area-wide disaster. Since these would constitute the original records, it is imperative that the storage facility has the proper environmental conditions and security systems in place.

For further guidance and resources, employees, through their supervisor or manager, should contact their Agency Records Coordinator.

4.2 Departing Employees.

Departing employees should notify their supervisor or manager as soon as possible after they become aware of separation or submit a resignation letter, to ensure that records are not inappropriately copied and taken; that others can access records that were formerly controlled by the employee; that records are not lost or inappropriately destroyed, and that the employee does not have access to agency records after the employee has departed. For Senior Management Staff, follow guidelines contained in *Management Directive 210.5, The Commonwealth of Pennsylvania State Records Management Program*.

SECTION FIVE: AUTHORITY

Management Directive 210.5, The Commonwealth of Pennsylvania State Records Management Program guides the creation, use, maintenance and disposition of records. The program ensures that agencies subject to the *Administrative Code of 1929*, agencies under the Governor's jurisdiction, and entities that use the State Records Center apply policies and activities in a consistent manner that enables effective and transparent operations.

The Pennsylvania Office of Administration's Office of Enterprise Records Management manages and issues the Commonwealth of Pennsylvania's state records management directives, manuals and *Manual 210.9, The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule*; audits agency compliance and chairs the State Records Committee.

The Pennsylvania Historical and Museum Commission implements the Commonwealth of Pennsylvania's State Records Management Program and operates the State Records Center and the State Archives.

SECTION SIX: RESOURCES

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Applying Records Retention and Disposition

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Email Management

Creating Electronic File Folders

Filing and Naming Electronic Records

Separation Guidelines (separation from agency or state employment)

Records Management Inventory: Employee Separation

Form for Agency Chief Counsel Regarding Departure of Senior Management Employees