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Managing Government Records into the Future

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Outline

- What are “records” and why are they made?
- What is “records management”?
- How do “retention schedules” work?
- How does one make a retention schedule?
- The NH Municipal Records Board
- RSA 33-A
- RSA 5:47—5:51
- Local Decisions
- Meeting Future Needs

What is a “record” and why is it made?

- A “record” is durable information showing that an event happened, or a decision was made, and created at the time of the event or soon afterwards by a person or persons who witnessed the event or decision.
- A “document” is durable information, which MAY or may not be a record.
- A “file” is a collection of documents.

What is an “electronic file”?

- An “electronic file” is information placed on a medium for future retrieval and interpretation by an electronic device.
 - *more on electronic records later*

What is “Records Management”?

Records Management is a series of policies and practices intended to provide

- organization
 - security
 - access
- disposal or perpetuation

for the “life cycle” of a record

What are the elements of records management?

- Retention Schedules

(theoretical framework) for the general records groups.

- Documentation

(metadata; indexing) describing in greater detail the specific records units (files, boxes) included the record group, list of records or range of records, & dates covered by the records.

- Secure Storage

- Access

- Disposition

(Destruction or Archival Retention)

How many times a week do I get a phone call that starts,
“How long do I keep”?

- How many times a week do I answer, “I don’t know. How long do you need it?”

How do “retention schedules” work?

- by identifying groups of records that are created for similar purposes;
- by identifying the length of time those groups are generally needed;
- by determining the best means of destroying obsolete records;
- by recording the policies which include: description of the records, length of time kept, and means of disposal;
- by maintaining a database that ties the specific records (boxes or folders) to a general record typed;
- AND THEN FOLLOWING THE SCHEDULE AS CLOSELY AS POSSIBLE.
- Allows for the routine disposal of records, lessening needs for space, reducing liabilities, while meeting the needs for which the records are created.

How are retention schedules created?

- Identify a group of related records which are used together
- decide how long creator's need for the document last
- determine who other users of the record are and how long their needs for it last
- retention schedule should be at least as long as the longest of these needs
- Determine any lasting historical need – does it explain the concerns and issues of our times for future generations that follow us?

What are some of the sources of retention schedules?

- *Local*
 - Determine the needs of town officers
- *State*
 - **Statutes**
 - For example, RSA 33A, RSA 5:47-51 or RSA 91A
 - sometimes specify a time period, but more often specify how long a action must be continued
 - **administrative rules**
 - of state agencies
- *Federal*
 - **statutes** (for example: HIPAA, Patriot Act, etc)
 - **administrative rules** of federal agencies

NH Municipal Records Board (MRB)

Members of the NH MRB

October 17, 2005

(RSA 33-A: 4-a)

Terms of all members coincide with the time they hold their position, except for Mr. Proper who is appointed by the Governor and Executive Council.
Information in parenthesis () refers to RSA 33-A: 4-a.

- (f) Hon. William M. Gardner, Chairman
Secretary of State
- (b) William N. Copeley, Vice-Chairman
NH Historical Society Librarian
- (a) Frank C. Mevers, Secretary
Director & State Archivist,
Division of Archives & Records Management
- (c) Michael York, State Librarian
NH State Library
- (D-1) Patricia Tucker
Town Clerk
- (D-2) Patty Woolsey, CTC Pres.
NH Tax Collectors' Association
- (D-3) David Gomez
Town Assessor
- (d) William R. Bolton, Jr. Director & State Registrar
Division of Vital Records
Department of State
- (g) John Scruton,
Director of Administrative Services (NHMA)
- (h) David Proper [Re-Appted:Sep 19, 2001, to Sep 19, 2004]
Public Member
- (i) Fred Foley
Association of NH Historical Societies
- (j) Barbara Robinson, Director
Municipal Services Division, Dept. of Revenue
- (k) Brian Nelson Burford, State Records Manager
Division of Archives & Records Management

History of the MRB

- Before 1967, there was no provision for eliminating obsolete local records
- Chapter 105 (1967) created RSA 33-A which created a list with 44 schedules. It also allowed towns to adopt a local records committee to oversee records management. Microfilming was encouraged for several types of records.
 - Chapter 231 (1969) added 2 categories of licenses to list of schedules
- Chapter 358 (1977) removed the schedules from the body of the statutes, and created a state Municipal Records Board to adopt administrative rules. The last iteration of the schedules by the Board were the Rules of 1995 which had 105 records types listed.
- Chapter 187 (2005) reinserted the schedules into the statutes; made the MRB advisory to the Secretary of State; and made a preliminary stab at electronic records. The statute now contains 153 records types.

TITLE III
TOWNS, CITIES, VILLAGE
DISTRICTS, AND
UNINCORPORATED PLACES

CHAPTER 33-A
DISPOSITION OF MUNICIPAL RECORDS

Current Law

RSA 33-A

- Section 1: definitions (one definition added to existing)
- Section 3: municipal committees (added authority to designate responsibility for records)
- Section 3-a: Disposition and Retention schedule (all new)
- Section 4-a: Municipal Records Board
- Section 4-b: Powers of MRB (amended powers of the Board)
- Section 5: Microfilming
- Section 5-a: Electronic Records (all new)
- Section 6: Exception

CHAPTER 33-A DISPOSITION OF MUNICIPAL RECORDS

33-A:1 Definition of Terms.

In this chapter:

- I. "Board" means the municipal records board.
- II. "Municipal" refers to a city or town, county or precinct.
- III. "Municipal officers" means:
 - (a) In the case of a town, the board of selectmen.
 - (b) In the case of a city which has adopted the council manager plan under RSA 49-A, the city manager.
 - (c) In the case of any other city, the mayor.
 - (d) In the case of a county, the county commissioners.
 - (e) In the case of a precinct, the precinct commissioners.
- IV. "Municipal records" means all municipal records, reports, minutes, tax records, ledgers, journals, checks, bills, receipts, warrants, payrolls, deeds and any other written or computerized material that may be designated by the board.
- V. "Active" means until termination or expiration of obligations or services, cessation of need for further attention, and completion or release of any pending legal processes.

Source. 1967, 105:1. 1977, 358:1, eff. July 1, 1977. 2005; 187:1 eff. Aug. 29, 2005.

CHAPTER 33-A DISPOSITION OF MUNICIPAL RECORDS

33-A:3 Municipal Committees.

The municipal officers or their designee together with the clerk, treasurer, assessors and tax collector of each city or town shall constitute a committee to govern the disposition of municipal records pursuant to [the rules promulgated by the municipal records board and the standards established by] this chapter. **The committee shall designate the office responsible for the retention of each type of record created for the municipality.**

Source. 1967, 105:1. 1977, 358:2, eff. July 1, 1977. 2005, 187:2, eff Aug. 29, 2005.

CHAPTER 33-A DISPOSITION OF MUNICIPAL RECORDS

33-A:3-a Disposition and Retention Schedule.

The municipal records identified below shall be retained, at a minimum, as follows:

- I. Abatements: 5 years.
- II. Accounts receivable: until audited plus one year.
- III. Aerial photographs: permanently.
- IV. Airport inspections-annual: 3 years.
- V. Airport inspections-daily, including fuel storage and vehicles: 6 months.
- VI. Annual audit report: 10 years.
- VII. Annual reports, town warrants, meeting and deliberative session minutes in towns that have adopted official ballot voting: permanently.
- VIII. Archives: permanently.
- IX. Articles of agreement or incorporation: permanently.
- X. Bank deposit slips and statements: 6 years.

[153 records types]

&c.

Source: 2005, 187:3, eff. Aug.29, 2005.

CHAPTER 33-A DISPOSITION OF MUNICIPAL RECORDS

33-A:4-a Municipal Records Board. –

I. There is hereby established a municipal records board consisting of the following persons or their designees:

- (a) The director of the division of archives and records management.
- (b) The director of the New Hampshire Historical Society.
- (c) The state librarian.
- (d) The presidents of the New Hampshire Tax Collectors' Association, the New Hampshire City and Town Clerks' Association and the Association of New Hampshire Assessors.
- (e) The registrar of vital records.
- (f) The secretary of state.
- (g) A municipal treasurer or finance director appointed by the president of the New Hampshire Municipal Association for a 3-year term.
- (h) A professional historian appointed by the governor and council for a 3-year term.
- (i) A representative of the Association of New Hampshire Historical Societies appointed by its president for a 3-year term.
- (j) A representative of the department of revenue administration.
- (k) The state records manager.

II. The board shall elect its own chairman and vice-chairman. The board shall meet at the call of the chairman, but not less than once every 2 calendar years. Five members of the board shall constitute a quorum for all purposes. Board members shall serve without compensation. Administrative services for the board shall be provided by the director of the division of archives and records management who shall serve as secretary of the board.

Source. 1977, 358:3. 1985, 102:1. 1991, 197:1, eff. July 27, 1991.
2003, 97:4, eff. Aug. 5, 2003; 319:56, eff. July 1, 2003.

CHAPTER 33-A DISPOSITION OF MUNICIPAL RECORDS

33-A:4-b Powers and Duties of Board.

The board shall [by rule establish] **advise the secretary of state** on standards **and** procedures [and regulations] for the effective and efficient management of municipal records. Such standards **and** procedures [and regulations] shall govern the retention, preservation and disposition of municipal records. [The statutory standards for retention, preservation and disposition of municipal records in effect at the time of passage of this section shall remain effective until superseded by rules promulgated by the board.] **The** board shall oversee the local government records management improvement program as provided in RSA 5:47-5:51.

Source. 1977, 358:3, eff. July 1, 1977. 2002, 145:3, eff. July 12, 2002. 2005, 187:4, eff. Aug. 29, 2005

CHAPTER 33-A DISPOSITION OF MUNICIPAL RECORDS

33-A:5 Microfilming.

If municipal records are disposed of by microfilming, 2 films shall be produced. One film shall be retained by the municipality in a fireproof container and properly labeled. One shall be transferred to a suitable location for permanent storage.

Source. 1967, 105:1. 1977, 358:4, eff. July 1, 1977.

CHAPTER 33-A DISPOSITION OF MUNICIPAL RECORDS

33-A:5-a Electronic Records.

Records created in electronic format and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper, microfilm, or both. Electronically-created records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by the record committee of the municipality responsible for the records. The municipality is responsible for assuring the accessibility of the records for the mandated period.

Source: 2005, 187: 5 eff. Aug. 29, 1005.

CHAPTER 33-A DISPOSITION OF MUNICIPAL RECORDS

33-A:6 Exception.

Notwithstanding any other provision hereof, original town meeting and city council records shall not be disposed of but shall be permanently preserved. Such records prior to 1900 need not be microfilmed unless legible.

Source. 1967, 105:1, eff. July 10, 1967.

Local Records Improvement Fund

RSA 5:47 -- 5:51

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 5
DEPARTMENT OF STATE

Local Government Records Management Improvement Program

5:47 Definitions. – In this subdivision:

I. "Fund" means the New Hampshire local government records management improvement fund.

II. "Local government" means cities, towns, or unincorporated places.

III. "Local government records manager" means the liaison between the division of archives and records management and the municipalities who shall coordinate the local government records management improvement program.

Source. 2002, 145:2, eff. July 12, 2002. 2003, 97:4, eff. Aug. 5, 2003.

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 5
DEPARTMENT OF STATE

Local Government Records Management Improvement Program

5:48 Fund Established. –

I. There is hereby established a special fund to be known as the New Hampshire local government records management improvement fund. The fund shall consist of such moneys as may be appropriated or federal and other non-state source grants or funds received for the purposes of this subdivision. The fund shall be managed by the state treasurer, shall be nonlapsing, and shall be continually appropriated for the purposes of this subdivision.

II. Use of the fund shall be solely for the development and continuance of a full-time local government records management component in the state records management and archives program, and for grants to local governments for records management improvement as provided under RSA 5:51. Such programs shall be responsible for providing aid, advice, and assistance to local governments concerning the proper management and preservation of the public records in their custody and care, as state law requires. Funds shall be expended to support grants for local government records management improvement, and for administrative and other costs associated with the provision of consultative and technical services, including, but not limited to, education programming, technical publications, website development, and micrographics and digitization services.

Source. 2002, 145:2, eff. July 12, 2002.

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 5
DEPARTMENT OF STATE

Local Government Records Management Improvement Program

5:49 Duties of Local Government Records Manager; Position Established. – There is established in the division of archives and records management, department of state, the position of local government records manager who shall be a classified state employee. The local government records manager shall have the following duties:

I. It shall be the responsibility of the local government records manager to advise local governments on planning and administering programs for the creation, maintenance, preservation, reproduction, retention, and disposition of their records; to advise local governments on the development of micrographics systems, automated data processing systems, and other systems that rely on technology to create, store, manage, and reproduce information or records; and to advise local governments on the preservation and use of vital records with enduring value for historical or other research purposes.

II. It shall be the responsibility of the local government records manager to advise the municipal records board concerning local government records policies and procedures, state services and financial support needed to assist or advise local officials, regulations pertaining to local government records, and grants for local government records management improvement pursuant to RSA 5:51.

III. The local government records manager is authorized to employ specialists in records management, archives, and administration, and other specialists necessary to provide advisory, consultative, and technical assistance to local governments from moneys available for this purpose in the fund.

IV. The local government records manager shall provide a quarterly financial statement of the fund to members of the municipal records board and an annual financial and narrative report of the program to the state archivist for incorporation in the annual report of the division of archives and records management submitted to the secretary of state. Each year the municipal records board shall review and make recommendations on a proposed operational and expenditure plan for the fund prior to its adoption by the state archivist. The annual expenditure plan shall be subject to the approval of the secretary of state.

Source. 2002, 145:2, eff. July 12, 2002. 2003, 97:4, eff. Aug. 5, 2003.

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 5
DEPARTMENT OF STATE

Local Government Records Management Improvement Program

5:50 Grants Review Committee. –

I. The New Hampshire municipal records board, established in RSA 33-A:4-a, shall appoint a grants review committee that shall be responsible for screening the grant applications for completeness, conformity, soundness of budget, and relevance to objectives of the program. The grants review committee shall review the applications and make its recommendations on funding to the state archivist. The grants review committee shall consist of the following:

(a) Two members of the municipal records board, appointed by the chairman.

(b) The president of the New Hampshire Tax Collectors' Association, or his or her representative.

(c) The president of the New Hampshire City and Town Clerks' Association, or his or her representative.

(d) One individual having the combined office of town clerk and tax collector, who shall be named jointly by the presidents of the New Hampshire Tax Collectors' Association and the president of the New Hampshire City and Town Clerks' Association.

II. The terms of the municipal records board appointees to this committee shall be concurrent with their terms to the municipal records board. The terms of the presidents of the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association, or their representatives, shall be concurrent with the terms as president of their respective associations. The term of the individual having the combined office of town clerk and tax collector shall be for one year from the date of appointment, but that individual shall continue to serve in said capacity until a successor is named or the individual is reappointed.

Source. 2002, 145:2, eff. July 12, 2002.

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 5
DEPARTMENT OF STATE

Local Government Records Management Improvement Program

5:51 Grants for Local Government Records Management Improvement. –

I. The state archivist, upon consultation with the municipal records board's grants review committee, is authorized to award grants for records management improvement as provided under RSA 5:49 to local governments, groups of cooperating local governments, or cooperative ventures that include local governments.

II. The municipal records board shall set forth criteria and procedures necessary to award grants for records management improvement from moneys available for this purpose in the fund. Such criteria may include:

- (a) The development by the applicant of a written plan for a records management program.
- (b) The condition of the records of the applicant.
- (c) The geographic location of the applicant so as to provide, to the extent practicable, equitable geographic distribution of the grants.
- (d) The particular design of the applicant's records management program.
- (e) The applicant's arrangements for cooperative activities for a records management program.

Source. 2002, 145:2, eff. July 12, 2002.

Local Decisions

by the Local Records Committee pursuant to RSA 33A:3

- media and formats of records, which will have fiscal and legal ramifications
 - Decision to maintain records kept shorter than 10 years solely in electronic format.
 - which officers have with custodial responsibility.
 - determination to destroy municipal records at termination of mandated period.
-
- guided in part by RSA 33-A, and the RSA 91-A (Right To Know law)

Choices

- Paper
 - Fire
 - Water damage and mold
 - Fading
 - Acid-content of paper
 - Storage space
 - Well known past
- Microfilm
 - Redox
 - Fading
 - Legibility
- Electronic
 - Corruption of code
 - Viruses
 - Organization
 - Medium longevity & migration
 - Code or medium obsolescence
 - Unknown future
- Some combination of all of these?

Meeting the Needs of the Future

Records are more than by-products

- Records speak to citizens in the present and in the future about who we are, what is important to us, and how we perceive and react to events around us.

Records may clarify past events, past decisions and the reasons for them

- This is so regardless of medium or format
- Records must be kept for the duration of the need for them.
- Records must be kept in a manner allowing them to be retrieved when needed.

The future value of records is often only appreciated with the passage of time

- We are often in a hurry to destroy what appear to us to be old or obsolete records which are just taking up precious space
- Once destroyed, the information is gone
- RSA 33-A relies on the collective wisdom of the local record committee, rather than the experiences of a single person (however wise they are)

The Right To Know statute makes
it clear that governmental records
must be available to our
constituents

The MRB has attempted to provide guidance in effective and efficient policies to shepherd our records into the future

- The current list of 153 records types is the result of 5-years of detailed discussions about why the records are created and how long they are needed.
- The MRB will continue to suggest improvements to the statute to the Secretary of State

The future of records in your town

- transition from paper records to electronic records
- difficulties and costs involved in the conversion, maintenance and storage of records
- dichotomy: openness of the records to the public & the privacy of certain types of information
- responsibility to future generations

Keeping all these goals and aims in mind,

- we will make mistakes
- we will learn from our experiences, and those of others
- we will “go places” we don’t now expect
 - we will succeed.

Thank you for your time and
attention.