

Quick Notes: Managing Public Records in State Agencies using Functional Schedules

Basic Record Management Terms:

- **Record Copy**
 - A record copy is the official copy of the record. This is the copy you will either preserve, transfer, or destroy.
- **Reference Copy**
 - A reference copy is a duplicate of the record copy. Reference copies are often used to share information with those who are not the owner of the record.
- **Transitory Records**
 - Records that have little of no documentary or evidential value and that need not be set aside for future use.
- **Authentic Records**
 - An authentic record is one that has the properties and attributes of being genuinely created and used in normal course of business without alterations.
- **Chief Records Officers (CROs)**
 - State agencies appoint Chief Records Officers (CROs) to represent the agency in records management concerns.

Public Record Law

- **NC General Statute 121-4**

https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_121.html

- Powers and responsibilities given to NCDNCR to:
 - Conduct a records management program
 - Give advice and assistance to public officials pertaining to the economical and efficient maintenance and preservation of public records
 - State Archives may take custody of records

- **NC General Statute 132-1 (a)**

https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_132.html

- Public records defined regardless of physical form or characteristic
- Made or received in connection with the transaction of public business

- **NC General Statute 132-6**

https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_132.html

- Public Records Requests:
 - Reasonable times
 - Promptly as possible
 - Purpose or motive for the request is not required
 - Agency bears cost of separating confidential from nonconfidential

- **Confidential Records**

- For records to be considered confidential in North Carolina, they must be *made* confidential, by state or federal statute.

Retention/Disposition

- **Steps to Functional Schedule**
 - State Archives of North Carolina website: <https://archives.ncdcr.gov/>
 - Government tab
 - State Government Agencies:
<https://archives.ncdcr.gov/government/state>
- **How to Read the Schedule**
 - **Record Series:** a group of similar records that are arranged according to a filing system and that are related as the result of being created, received, or used in the same activity
 - **Disposition Instructions:** Materials' final destruction or transfer to an archive as determined by their appraisal.
 - **Citation:** A state or federal regulation that supports/requires the listed disposition instructions.
 - **Reference value:** The usefulness of records based on their content, regardless of evidential value.
 - Agencies must define and enforce internal policies setting retention for "destroy when reference value ends"
 - **Trigger:** Some records have retention periods that start with event-based triggers.
- **Schedule Forms**
 - Request for Change in Records Schedule
<https://archives.ncdcr.gov/documents/request-change-records-schedule>
 - Request for Disposal for Unscheduled Records
<https://archives.ncdcr.gov/request-disposal-unscheduled-records>
- **Record Destruction**
 - 07 NCAC 04M .0510 Methods of Destruction
http://reports.oah.state.nc.us/ncac/title%2007%20-%20natural%20and%20cultural%20resources/chapter%2004%20-%20archives%20and%20history/subchapter%20m/07%20ncac%2004m%20_0510.pdf

(a) When used in an approved records retention and disposition schedule, the provision that paper records are to be destroyed means that the records shall be:

1. burned, unless prohibited by local ordinance;
2. shredded or torn so as to destroy the record content of the documents or materials concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the document or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold

without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

- *Do not bury your records - no longer allowed under the NC Administrative Code. *
- Electronic Records are included in destruction- hitting delete is not enough!
- Destruction Log: <https://archives.ncdcr.gov/government/rm-tools>
- Confidential Records
 - These records must be destroyed so that they cannot be reconstructed. Includes data, metadata, and physical media
 - Shredding all records would eliminate risk of confidential information leaking
- Public records requests can halt the destruction process- if there is an ongoing or anticipated audit or litigation, it is best not to destroy records even if they have met retention according to the schedule.

State Records Center

- Boxing Records Tutorial: <https://youtu.be/ogAyKoQ3MzE>
- Requesting Records Stored Temporarily at the SRC Tutorial: <https://youtu.be/nmXcRyjEX-U>
- Records Retrieval Form: <https://archives.ncdcr.gov/rc-14-records-retrieval-form>

Additional Resources:

- Government Records Section blog: <https://ncrecords.wordpress.com/>
- Record Management Tools: <https://archives.ncdcr.gov/government/rm-tools>

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Internal Action Items

- Who is my Chief Records Officer?
- Who is my records liaison?
- Who handles public records requests for my agency?
- Who handles audits and litigation for my agency?

- Does my agency have an electronic records policy?
- For records where numerous copies are circulated, who is responsible for retaining the record copy?
- What additional training do I need to carry out my records management duties?
- Which records analyst is assigned to work with my agency?

Functions of North Carolina State Government

1. Agency Management

Agency Management is the overarching management that occurs in all government agencies. Agencies document the processes of making decisions for the agency and overseeing its operations.

2. Asset Management

The Asset Management function encompasses acquisition, maintenance, inventory, and disposal of physical assets. Agencies document the management of physical assets, including facilities, land, equipment, vehicles, etc.

3. Economic Development

Economic Development is the function of encouraging the conditions for economic growth and improved quality of life. Agencies document efforts to support innovation and expand the availability of goods and services.

4. Education

The function of Education is primarily the purview of local education agencies but also has some activities at the state level. Education institutions subject to this schedule include Governor Morehead School for the Blind, North Carolina School for the Deaf, Eastern North Carolina School for the Deaf, state operated healthcare facilities operated by the Department of Health and Human Services, and prisons, youth development centers, and juvenile detention centers operated by the Department of Public Safety. This schedule applies to the Governor's School program and the curriculum and assessment standards developed by the Department of Public Instruction. This schedule also applies to agencies that oversee professional credentialing.

5. Financial Management

Financial Management is the function of caring for the financial resources and obligations of a government agency.

6. Governance

The Governance function involves the creation of statutes and rules, agency liaisons with government officials, the oversight provided by governing or advisory bodies, and the collection of archival election records. Agencies document the actual statutes and regulations along with the process of their development. Governing bodies document their decision making. The State Board of Elections and the Department of the Secretary of State collect key documents regarding the campaign and election processes. The Governor's and Lieutenant Governor's offices document their constitutional and legislative functions. The General Assembly documents the creation of legislation, and the Office of Administrative Hearings documents official administrative rules.

7. Healthcare

The function of Healthcare entails the maintaining and restoration of health by the treatment and prevention of disease. The State Veterans Homes, the Division of State Operated Healthcare Facilities, and the Division of Adult Correction and Juvenile Justice provide medical care to patients and residents in their facilities. The DHHS Central Billing Office handles financial records for DSOHF. The Office of the Chief Medical Examiner and the State Laboratory of Public Health also perform health-related research that is addressed on this schedule.

8. Human Resources

Human Resources records document the management of a government agency's personnel. This function incorporates both the human and the payroll management aspects of personnel.

9. Information Technology

The function of Information Technology addresses tangible resources like networking hardware and computers as well as intangible resources like software and data.

10. Infrastructure Management

The function of Infrastructure Management involves the construction of public buildings, roads, and other public works.

11. Law Enforcement

Law Enforcement records document the efforts of state agencies to protect the lives and property of the state's residents and people who visit and work in the state as well as to supervise adults and juveniles sentenced after conviction for violations of North Carolina law. This function focuses on efforts to ensure compliance by individuals and organizations with laws.

12. Legal

The Legal function involves protecting the rights, obligations, and interests of the agency or its individual employees or constituents.

13. Monitoring and Compliance

The function of Monitoring entails systematic, periodic reviews to ensure quality products, performance, and the accomplishment of objectives. Compliance ensures that people and organizations meet all obligations and comply with regulations, which may be accomplished through the promulgation and communication of policy guidance to outside entities regarding state and federal regulations.

14. Public Assistance and Support Services

The function of Public Assistance and Support Services involves coordinating needs-related payments and providing a safety net for under-resourced populations. These functions also encompass workforce development and vocational rehabilitation. Agencies document programs offered, eligibility, and services rendered.

15. Public Relations

Public Relations is an outward-facing function of state agencies. Agencies document activities, promote initiatives, publicize accomplishments, provide instruction, and gather feedback from constituents.

16. Risk Management

Risk Management is the function of identifying, analyzing, and assessing unacceptable risks along with handling their avoidance, control, minimization, or elimination.