



# Managing Vital Records

December 11, 2015  
VSU Annual Conference

Texas State Library and Archives Commission  
State and Local Records Management Division

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# About Us

- Records Management Assistance
  - 6 Government Information Analysts
    - 150 state agencies
    - 10,000+ local governments
  - Consulting and Training
    - Retention, destruction, imaging, managing email, disaster preparedness and recovery...
  - Retention Schedule Reviews/Development



Records Management Assistance



# Agenda

- Records emergencies in Texas
- Vital records and legal obligations
- Managing electronic records
- Storage standards



# RECORDS EMERGENCIES IN TEXAS

# Tornadoes



Lancaster – April 2012

# Floods



# Tropical Storms



**Tropical Storm Allison, June 2001 (Houston)**

# Hurricanes



**Hurricane Ike, 2008**

# Wildfires



**Bastrop 2011**



**Bastrop 2015**

# Building Fires



**Governor's Mansion,  
Austin , TX – 2008**

# Building Fires



**Courthouse Square Tyler, TX – 2009**

# Accidents



**West Fertilizer Company Explosion 2013**

# Emergencies

- Technological/Accidental
  - Building or equipment failures
  - Electrical malfunctions
  - Human error
  
- Intentional
  - Arson
  - Vandalism
  - Terrorism





# Information Security Breaches

- ▶ UT Arlington – prescription records, SSNs exposed
- ▶ S. Texas – Hidalgo Co. and La Joya ISD websites compromised
- ▶ Texas Tech Health Sciences Center – computer virus



No. AA-328701

DEPARTMENT OF



CITIZENSHIP

Application No. A19 663 832

ORIGINAL

Personal description of holder as of date of issuance of this certificate: Sex male; date of birth October 31, 1969; country of birth Okinawa; complexion fair; color of eyes brown; color of hair brown; height 2 feet 10 inches; weight 27 pounds; visible distinctive marks none; marital status single

I certify that the description above given is true, and that the photograph affixed hereto is a likeness of me.

Donny Paul Tonsing by Charles Richard Tonsing (Complete and true signature of holder)

VITAL RECORDS



DANNY PAUL TONSING

Be it known, that now residing at 255 Pelican Drive, Barksdale, Air Force Base, Louisiana having applied to the Commissioner of Immigration and Naturalization for a certificate of citizenship pursuant to Section 344 of the Immigration and Nationality Act having proved to the satisfaction of the Commissioner that he is now a citizen of the United States of America, became a citizen thereof on October 31, 1969 and is now in the United States.

Not Therefore, in pursuance of the authority contained in Section 344 of the Immigration and Nationality Act, this certificate of citizenship is issued this twenty-third day of March in the year of our Lord nineteen hundred and seventy-two and the seal of the Department of Justice affixed pursuant to statute.



IT IS A VIOLATION OF THE U. S. CODE (AND PUNISHABLE AS SUCH) TO COPY, PRINT, PHOTOGRAPH, OR OTHERWISE ILLEGALLY USE THIS CERTIFICATE.

Raymond F. Farrell

COMMISSIONER OF IMMIGRATION AND NATURALIZATION

# What is a record?

- According to Local Government Code, § 205.001:
  - Documents the transaction of public business
  - Is created or received by a local government
  - Is a record whether it is open or closed
  - **May exist in any medium**



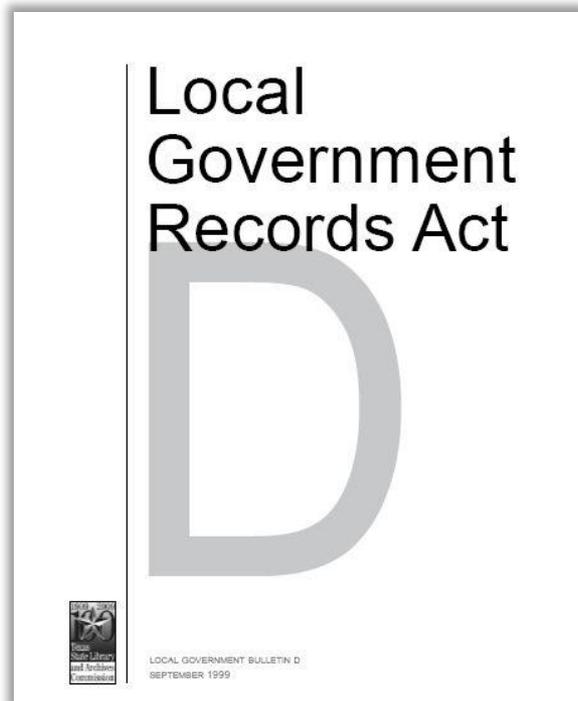


# What are Vital Records?

- Records that are needed to:
  - Resume or continue operations
  - Re-create legal and financial status
  - Protect and fulfill obligations to the people of the state

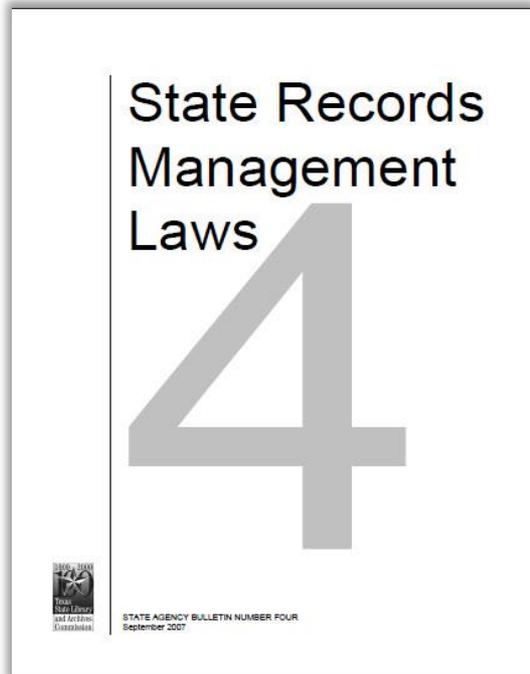
Government Code, Chapter 441.180 (13)

# Legal Obligations



- **LGC § 203.002 Duties and Responsibilities of Elected County Officers**
  - (6) identify and take adequate steps to protect the essential records of the office;
- **LGC § 203.021. Duties and Responsibilities of Governing Body**
  - (5) facilitate the identification and protection of essential local government records;

# Legal Obligations



- **Gov. Code § 441.183 Records Management Programs in State Agencies.**
  - (4) identify and take adequate steps to protect confidential and vital state records;
- **Gov. Code § 441.190. Protection, Maintenance, and Storage of State Records.**
  - (b) In the development and adoption of the rules, the commission shall pay particular attention to the maintenance and storage of archival and vital state records and may adopt rules as it considers necessary to protect them.

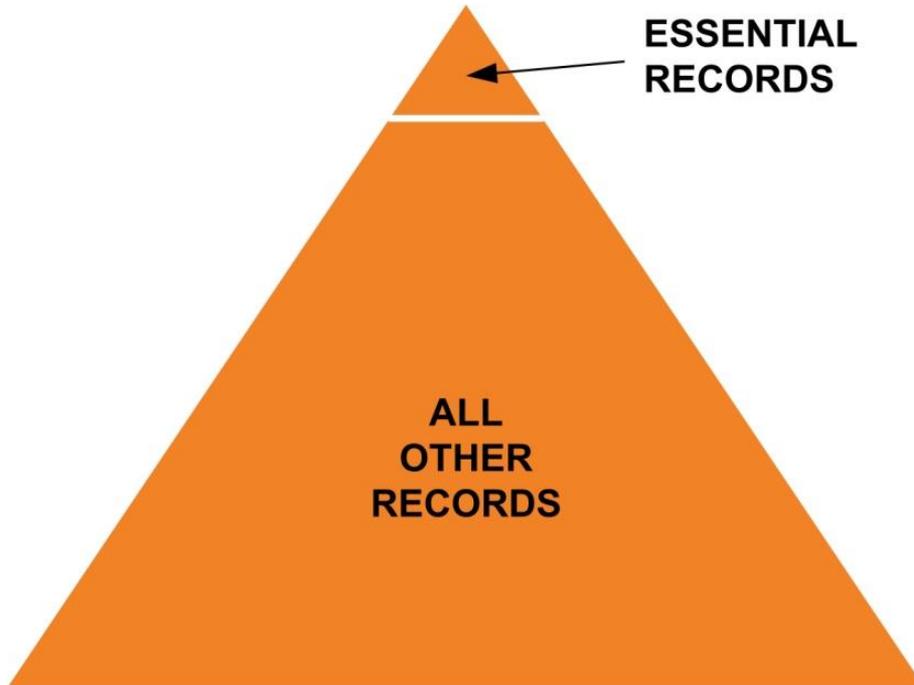
# Two types of Vital Records

- Static records
- Active records





# How To Identify Vital Records



- Need to differentiate essential records from other records
- Less than 5% of all government records are essential (vital)



# How To Identify *Your* Vital Records

Factors to consider:

1. Your essential functions
2. Your records
3. Your stakeholders
4. Relevant statutes, regulations, and standards



# 1. Essential Functions

- During an emergency, essential functions:
  - Provide vital services
  - Exercise civil authority
  - Maintain safety and well-being of the general population
  - Sustain the jurisdiction's industrial economic base
- Must continue under all circumstances

## 2. Your Records

- Importance of a good records management program
- Records inventories
- Records retention schedules





# 3. Stakeholders

- Know your stakeholders
  - Who depends on you?
  - Who provides mission-critical support?
- Interview stakeholders
  - What if you didn't have access to that information for 24 hours or longer?
  - How long could you operate without those records?



## 4. Relevant Statutes, Regulations and Standards

- Statutes and ordinances that apply to your organization
- Regulations issued by state and local governments
- Standards from federal agencies and national organizations





# How To Protect Vital Records

- Identify and evaluate hazards and risks
- Determine and evaluate preparedness and mitigation measures



# Identify and Evaluate Hazards/Risks

- Hazard
- Risk
- Risk management
- Risk assessment



**Pipes over filing cabinets = HAZARD**



**Wet records = RISK**

# Risk Assessment Techniques



- Brainstorming – “What if?”
- Expert interviews
- Site survey

# Site Survey

- Environmental
- Physical
- Personnel
- Information security
- Preparedness



**Above:** Boxcar storage: environmental and physical risks



**Left:** Restricted access areas on the computer network improve information security



# **ELECTRONIC RECORDS**

# What is an *electronic* record?

## “A record is a record is a record”

- 13 TAC § 7.71: Any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in the Local Government Code § 205.001.



# What is an electronic record?

- Requires computer or similar device to read the data (“machine readable”)
- Two ways it’s created:
  - **Born digital:** original record is electronic
  - **Digitized:** original record was analog (paper, photograph, microfilm, audio tape, etc.)

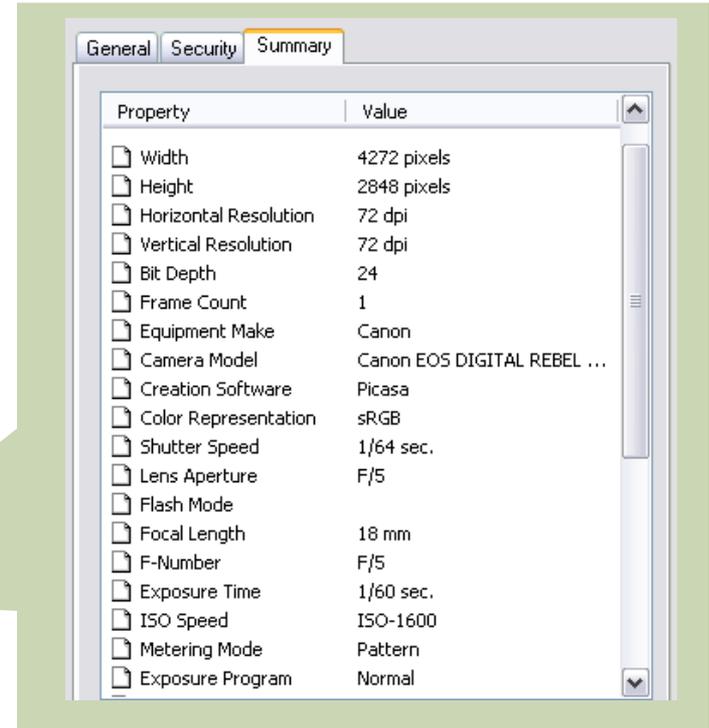
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# What is metadata?

- It's part of the electronic record
  - Information about the e-record
  - Stays with record
  - Created by systems or people



Data

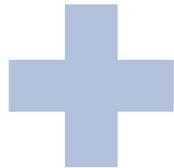


Metadata



# Bulletin B

Local Government  
Code Chapter 205  
(Statutes)



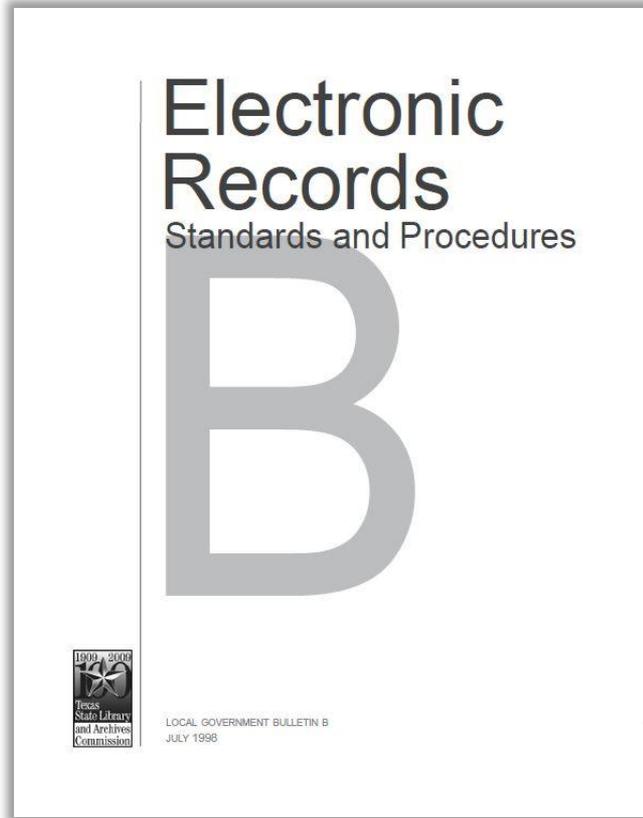
13 TAC §§  
7.71-7.79  
(TSLAC  
Rules)



<http://bit.ly/bulletinb>

Subscribe to *The Texas Record* for rule updates

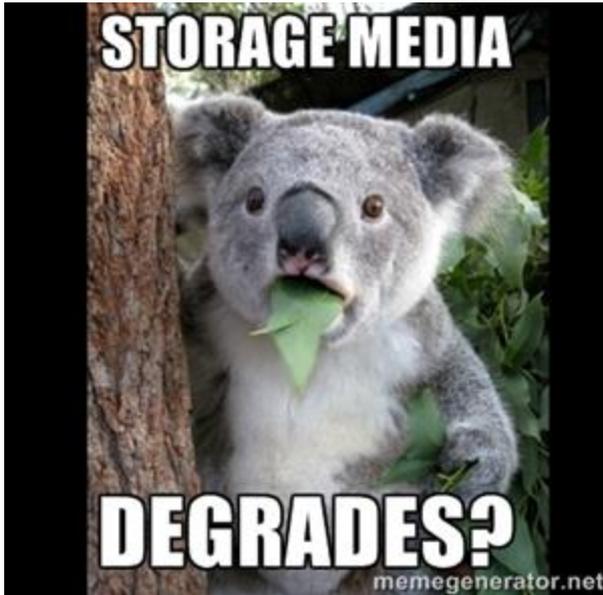
# What does Bulletin B say?



“Local governments must ensure that the accuracy, completeness, and accessibility of information are not lost prior to its authorized destruction date because of changing technology or media deterioration....”

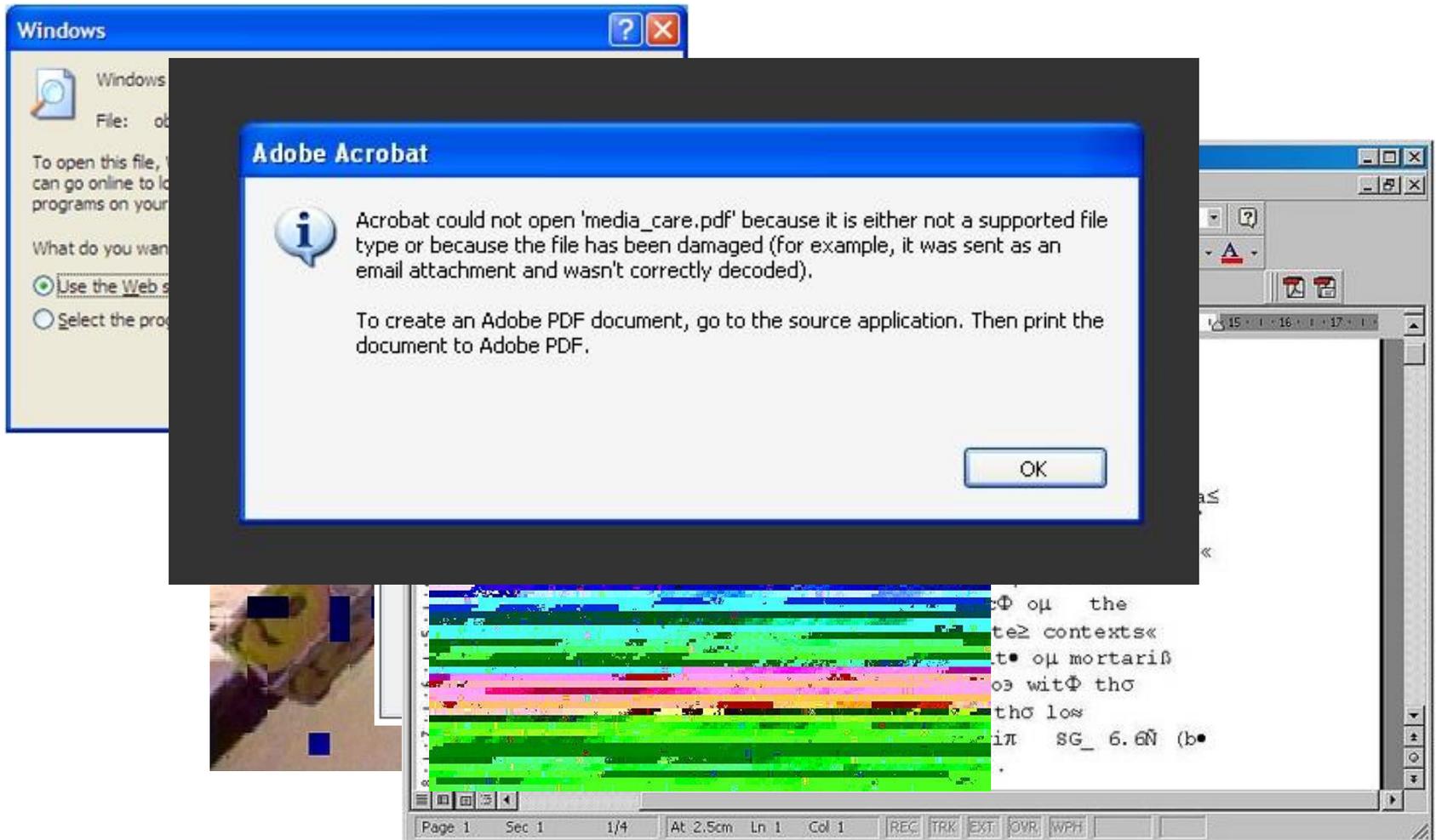
13 TAC § 7.76(a)

# What does that mean?



- Technology will change.
- Media will degrade.
- It's your job to make sure that the record can still be accessed, read, and is trustworthy no matter what – until it's met retention.

# Examples of “Digital Damages”



# Access Goals

## Availability

- Kept until retention is met
- Can be located

## Readability

- Can be opened
- Can be read

## Integrity

- Complete
- Authentic
- Functions adequately

# Goal 1: Availability

- The record is kept for its full retention period
- Safest storage option:
  - Network server that gets backed up regularly
  - More than one physical location



# Goal 1: Availability

- LOCKSS and the “3 copy rule”
  - Data redundancy – 2-3 backup copies
  - Combination of cloud backup, external USB hard drive, flash drive



# Goal 2: Readability

**The 40 Floppy Challenge**



# Goal 2: Readability

- The record can be accessed



# Goal 2: Readability

- The record can be accessed
- The record can be read

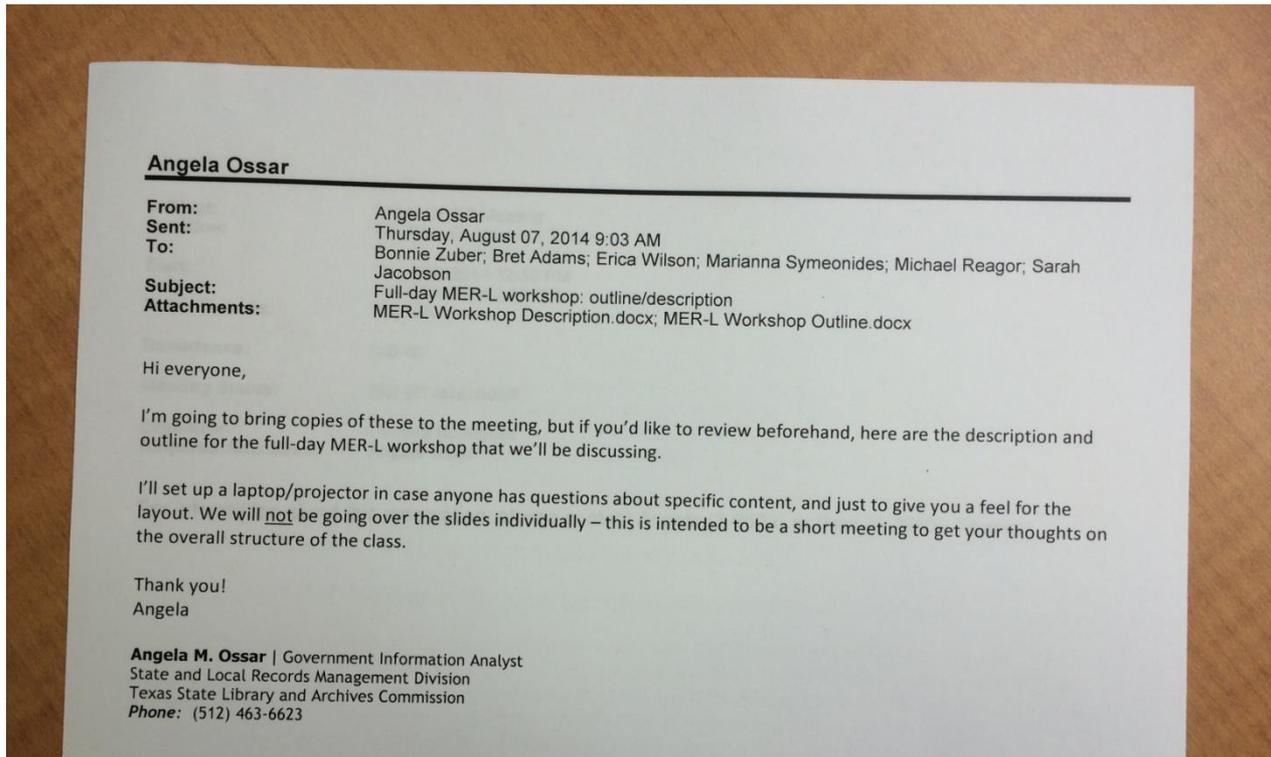






# Goal 3: Integrity

- **Functionality:** do you need a record to function the same way it did when it was created?





# Goal 3: Integrity

- Also referred to as “authenticity”
- Record is what it purports to be
- Record is complete
- Record may have audit trails



Final Published Rules No Seriously FINAL FINAL (working copy).docx



# When to destroy the paper?

- **Bulletin B rules:**

**§7.72. General.**

(a) These sections establish the minimum requirements for the maintenance, use, retention, and storage of any electronic record of a local government whose retention period is 10 years or more on a records retention schedule adopted under Section 7.125 of this title (relating to Records Retention Schedules). These sections do not apply to electronic records with retention periods of less than 10 years, but they are subject to the applicable provisions of the **Local Government Code**, Chapter 205.

13 TAC § 7.72(a)



# When to destroy the paper?

- Short Term Records (0-10 Years Retention)
  - If the source document is destroyed, must retain the necessary record, hardware, and software

(c) The source document, if any, for electronically stored local government record data not covered by Section 205.007(a) may be destroyed before the expiration of the retention period for the source document in a records retention schedule issued by the commission if the magnetic tape, optical disk, or similar medium and hardware and software necessary to provide access to local government record data on the media are retained for the retention period in the schedule. Conversely, the magnetic tape, optical disk, or similar medium may be erased, written over, or destroyed before the expiration of the retention period for a source document for local government record data not covered by Section 205.007(a), if the source document, if any, is retained until the expiration of its retention period or, if the source document has already been destroyed, paper or microfilm copies are generated from the magnetic tape, optical disk, or similar medium before destruction or erasure and retained until the expiration of the retention period for the source document.



# When to destroy the paper?

- Long-term records (10+ Years Retention)
  - Source documents *may* be destroyed...

Sec. 205.008. DESTRUCTION OF SOURCE DOCUMENTS. (a) The source document, if any, for electronically stored local government record data covered by Section 205.007(a) may be destroyed or returned to the person who filed it for record if the **electronic storage authorization request** is approved.

(b) The magnetic tape, optical disk, or similar medium containing the local government record data and the hardware and software necessary to provide access to it must be retained by the local government or be available to the local government until the expiration of the retention period for all source documents, subject to the rules adopted under this chapter.

(If you have an approved Declaration of Compliance or Records Control Schedule on file with TSLAC)

# When to destroy the paper?

## ■ Long-term records (10+ Years Retention)

### – ...but:

- Bulletin B rules apply →
  - Adequate technical documentation
  - Electronic records security program
  - Storage media maintained in right conditions, recopied, labeled
  - **Scanning conforms to ANSI/AIIM standards**
  - **Visual check performed**

- Adequate technical documentation is kept ([Sec. 7.73](#) for data files, [Sec. 7.74](#) for text documents, [Sec. 7.77](#) for electronic records in general)
- You have an electronic records security program ([Sec. 7.75](#))
- Storage media is maintained in the right environmental conditions, is being recopied on a set schedule, and is labeled with all required information ([Sec. 7.76](#))
- The scanning conforms to ANSI/AIIM standards and is done at the right resolution ([Sec. 7.76](#))
- A visual quality control check is performed on every document ([Sec. 7.76](#))
- The recordkeeping system that holds the records does not provide an impediment to public access ([Sec. 7.79](#))

# When to destroy the paper?

- For short-term and non-archival records: before destroying source document:
  - Check with all affected parties
  - Legal requirement?
  - Auditing requirement: can authenticity be guaranteed?



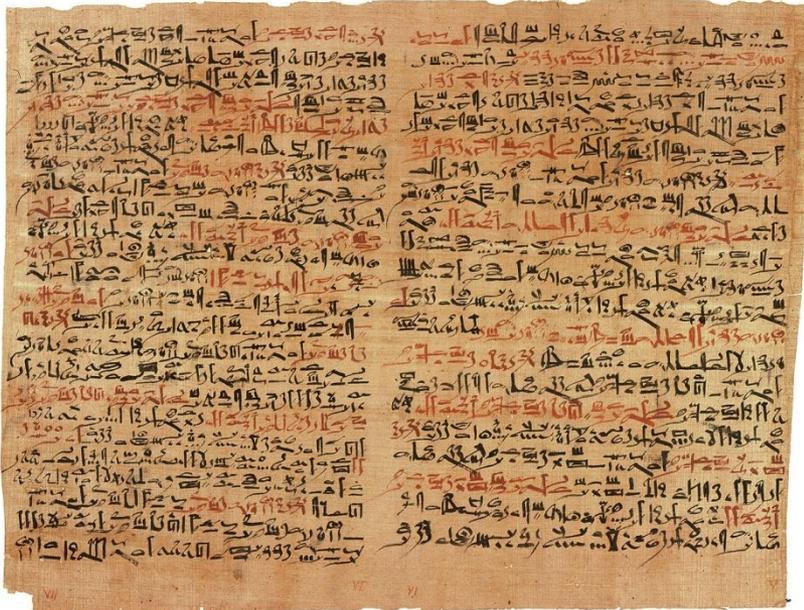
# When to destroy the paper?

- **General Recommendation:**
  - Consider retaining source document for any record series with a retention period of 10+ years



# Life Expectancy of Paper

- The life expectancy of a paper record is 1,000 years or more, **if stored properly.**



What does “properly” mean?



# **STORAGE STANDARDS**



# Supreme Court Preservation Task Force

- Established by order on November 16, 2009
- Examination of the current status of Texas court records and related preservation activities
- Access full report here - <http://bit.ly/supremecourttaskforce>



# HB 1559 82nd Legislature

H.B. No. 1559

## AN ACT

relating to the retention, storage, and destruction of certain court documents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 441, Government Code, is amended by adding Subchapter B to read as follows:

### SUBCHAPTER B. COURT DOCUMENTS

Sec. 441.025. DEFINITIONS. In this subchapter:

(1) "Commission" means the Texas State Library and Archives Commission.

(2) "court document" means any instrument, document, paper, or other record filed with, otherwise presented to, or produced by a court in this state.

Sec. 441.026. RETENTION, STORAGE, AND DESTRUCTION OF CERTAIN COURT DOCUMENTS. (a) The commission shall adopt rules for the retention, **storage,** and destruction of a court document filed with, otherwise presented to, or produced by a court in this state before January 1, 1951.

(b) A court in this state may not destroy a court document described by Subsection (a) except as provided by rules of the commission.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.



# Background

- Local Government Code §203.048

Sec. 203.048. CARE OF RECORDS OF PERMANENT VALUE. The commission shall adopt rules establishing standards for the proper care and storage of local government records of permanent value. The commission may require that certain local government records of permanent value be created on permanent-durable paper, the standards for which shall be established by rule. The rules must be approved as required by section 441.165, Government Code.

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.



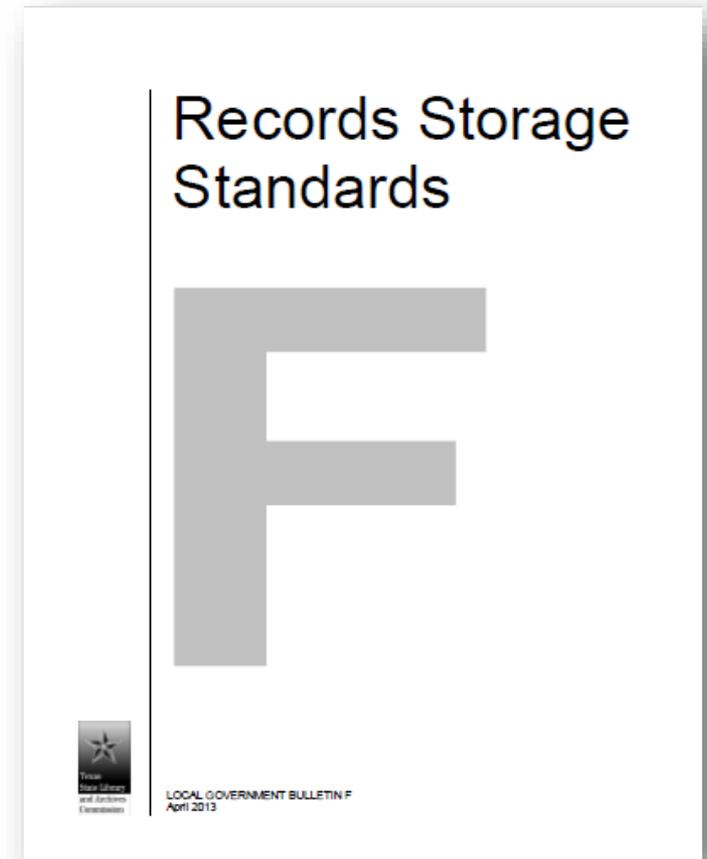
# Development of the Storage Standards

- Local Government Records Storage Task Force
- Standards approved by TSLAC on February 11, 2013
- Texas Administrative Code adoption on April 7, 2013
- Effective date: April 7, 2015



# Records Storage Standards

- Texas Administrative Code
  - 13 TAC Chapter 7
  - Subchapter F
- Minimum conditions
- Optional enhanced conditions





# General

- Pre-1951 court records and permanent records
- Do not apply to records being transported, temporarily housed or displayed, or in active use
- Apply only to paper records



# Minimum Conditions

(b) Records shall be stored in a manner that complies with the following:

- (1) offers protection from fire, water, steam, structural collapse, unauthorized access, theft, and other similar hazards;
- (2) does not expose records to direct sunlight.

# Protection Measures

- Location
- Facility maintenance
  - Building envelope
- Fire protection
- Pest control



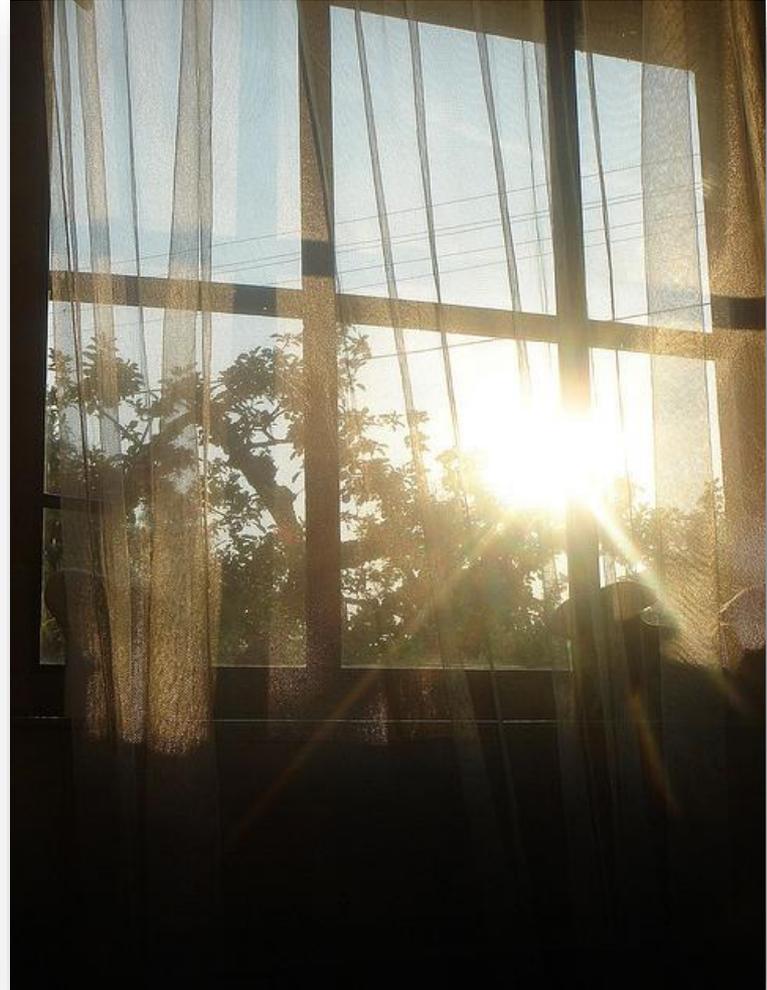
# Protection Measures

- Security
  - Monitored research rooms
  - One box/one folder policies
  - Inspection of laptops/notebooks
- “Other similar hazards”
  - <http://bit.ly/DPlancourse>
  - <http://bit.ly/EmergPrepLG>



# Controlling Light Exposure

- Windows
  - Blinds or drapes
  - Cardboard
- Box records



# Minimum Requirements

- (c) Records or storage boxes shall not be stored in contact with the floor.





# Minimum Requirements

- (d) Records stored in a building or storage area constructed **after the effective date** of this section shall be protected by an operational fire detection system or the facility must be in compliance with local fire codes.



# Minimum Requirements

- (e) Records shall not be stored in any area of a building or storage area constructed **after the effective date** of this section that is located in a 100 year flood plain area, as established by the U.S. Geological Survey at the time of the construction of the building, unless the floor of said area is at least five feet above the 100 year flood level.



# Minimum Conditions

- Provide protection
- No direct sunlight
- Not in contact with the floor
- Construction after April 2015
  - Operational fire detection or compliance with local fire codes
  - No basements

# Optional Enhanced Conditions

- (a) As resources permit, local governments should strive to store records under conditions that meet as many of the recommendations of this section as practicable.
  
- (b) Records should be stored in a building or storage area that:
  - (1) has an operational fire suppression system;



# Optional Enhanced Conditions

(2) has adequate environmental controls:

- (A) A maximum temperature of 70 degrees Fahrenheit and a constant relative humidity of 45% with a maximum variance of plus/minus 5% relative humidity in a 24-hour period should be maintained in the storage area.
- (B) Daily temperature/humidity checks should be conducted.
- (C) Positive atmospheric pressure should be maintained within the storage area.



# Optional Enhanced Conditions

(3) has a pest management program;





# Optional Enhanced Conditions

(4) has appropriate shelving:

- (A) Shelving should be constructed of metal or other non-porous material.
- (B) The lowest shelf should be at least 4 to 6 inches from the floor.
- (C) Shelving should be arranged such that records are at least 4 inches from the interior face of exterior walls.

# Optional Enhanced Conditions

(c) Records should be covered or housed in acid-neutral boxes to protect them from deterioration.





# Optional Enhanced Conditions

- (d) Ultraviolet filtering shields should be affixed to any fluorescent lights or windows.
  
- (e) If a Heating, Ventilation, and Air Conditioning (HVAC) system is in use in a records storage area, it should not be turned off and settings should not be changed for nights and weekends.



# Summary and Review

- Records emergencies in Texas
- Vital records and legal obligations
- Managing electronic records
- Storage standards



# Stay Connected

## The Texas Record blog:

- Announcements
- Upcoming training
- New services
- Featured questions

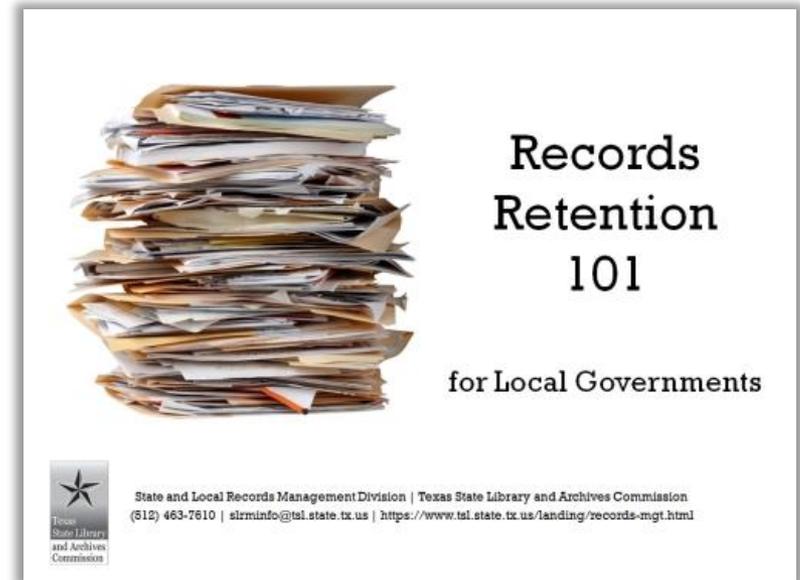
A screenshot of the "The Texas Record" blog page. The page title is "The Texas Record" with the subtitle "Records Management Information for Texas State Agencies and Local Governments from the Texas State Library & Archives Commission". A navigation menu includes "Home", "About", "Training", "Subscribe", "Education", "From the Field", "News", and "Services". A red starburst graphic is overlaid on the "Subscribe" link. The main content area features a post titled "NAGARA CoSA Joint Annual Meeting 2015" dated "Jul 29, 2015" by "Bonnie Zuber". The post includes a photograph of TSLAC staff at a conference booth. Below the photo is a caption: "TSLAC staff at conference". The text of the post reads: "Austin, TX was the venue for this year's NAGARA conference, and we rocked out as our city's reputation is known to! Both the Archives and Information Services and State and Local Records Management divisions represented our agency at a high-tech booth featuring our new physical records management software TexLinx." On the right side of the page, there is a sidebar with the "SLRM STATE AND LOCAL RECORDS MANAGEMENT" logo and a "CATEGORIES" section listing: "Education", "Analyst Tips", "Conferences", "Conference Announcements", "Conference Recaps", "Featured Questions", and "Training".

<https://www.tsl.texas.gov/slrms/blog/>

# More Training Opportunities

## Archived Webinars:

- Records Retention 101
- Managing email
- Long-term preservation
- Imaging projects
- Shared drive management
- Disaster recovery/salvage
- And others...



<https://www.tsl.texas.gov/slrn/webinars/index.html>



# Questions?

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