

FUNDAMENTALS

Which one do I keep?

Record copy:

The version or copy of the record retained for the full retention period.



Other copies are *convenience copies* that can be destroyed at any time.

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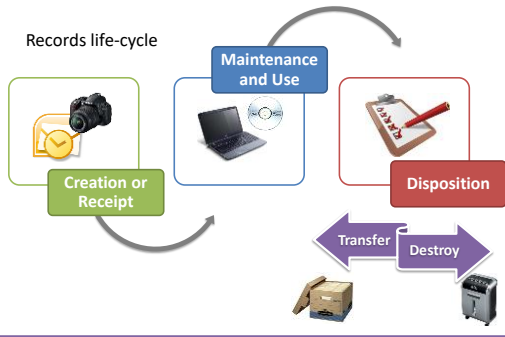
What is records management?

"The application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping."

- LGC §201.003

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Records life-cycle



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Why do I have to manage records?

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Whose responsibility is this?

Records Management Officer



- ✓ Chief Administrator
Sheriff
Constable
Municipal Official
- ✓ Policies & Procedures
- ✓ Retention Schedule
- ✓ Filing/Information Retrieval
- ✓ Store Inactive Records

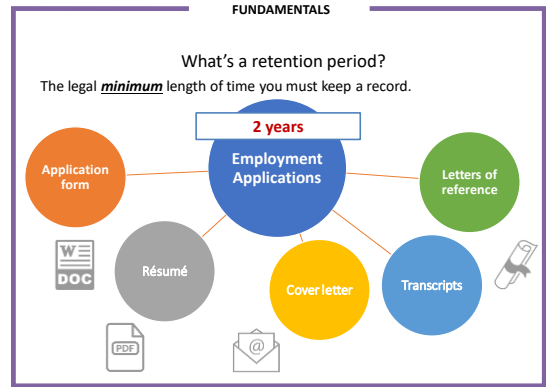
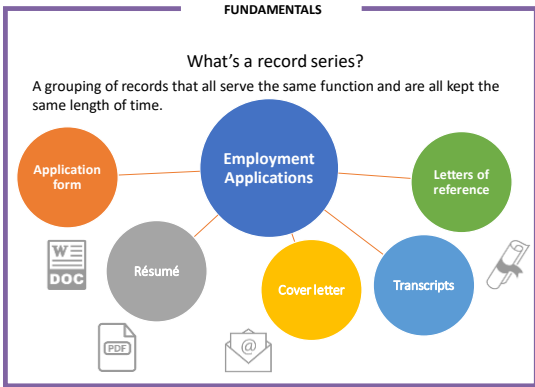
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What's a records retention schedule?

A document that lists the records series of an organization, with mandatory minimum retention periods for each records series.



Authority to destroy records.



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Reading a retention schedule

Unique # What TSLAC calls this series. The scope of the series. Minimum amount of time you have to keep these records. Statutes and other notes about retention added by TSLAC.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-14a	EMPLOYMENT APPLICATIONS	Applications, transcripts, letters of reference...	2 years from creation (or receipt) of the record or the personnel action involved, whichever later.	By regulation – 29 CFR 1602.31, 1602.40, and 1602.49.

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Exceptions to destruction

In general, you may destroy a record that appears on your approved retention schedule after the retention period expires unless:

- Litigation or open records request
- Claim, negotiation, audit, administrative review, or other action involving the record

COMPLIANCE

Three elements of compliance for local governments

- Records management policy
 - Sheriff & Constable – Policy Model 1
 - City police – City's policy
- Records management officer
 - File form SLR 504
- Retention Decision
 - TSLAC strongly recommends adopt using form SLR 508

State agency or institution of higher education?

LAW ENFORCEMENT

Schedule PS, 4th Edition

- Effective December 8, 2016
- Retention Schedule for Records of Public Safety Agencies

What's on it?

- Arrest Reports
- Offense Investigation records
- Fleet maintenance
- Dash and body worn cameras

What's different?
"Changes" document

What happened to DWIs?
Retention per charged offense

LAW ENFORCEMENT

Body Worn Cameras

Series PS4125-04e (no incident) and PS4125-04f (incident)

Auto-deletion?

Policies and procedures **must** identify and exempt video that captures an incident

Accidental activation?

Not a record and can delete immediately as long as procedures describe when start/stop recording

What portion of a video do I retain?
Speak with your attorney

What should/must be redacted?
Speak with the Attorney General



LAW ENFORCEMENT

Expunction

Court order overrides retention schedule!

Which courts can order expunctions?
Any court! HB 557 (85th Leg.) amended

What do I do with the expunction order?
Destroy or return to ordering court

How do I expunge records?
 ✓ Microfilm – 13 TAC 7.32
 ✓ Electronic – 13 TAC 7.78
 ✓ Paper – LGC §202.003(b)



LAW ENFORCEMENT

Juvenile Records

Do's and Don'ts

SB 1304 (85th Leg.) reorganized

Chapter 58, Family Code

✓ **Don't** commingle with adult

records

Same retention period for case

files regardless of date created

Do follow sealing

Revisions coming to Schedule PS

Do be aware of mandatory

destruction of some records

We want your feedback!

Look for draft in **expos** Register in

Nov/Dec 2018.

• Some fingerprint and photograph

records not part of active

investigation



ELECTRONIC RECORDS

What is an electronic record?

"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 Records Act.



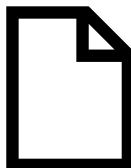
Remember:
Media doesn't matter!

ELECTRONIC RECORDS

Metadata

"Data about data"

Metadata is....



Part of the record

Created by systems and people

Must stay with record!

ELECTRONIC RECORDS

Am I adequately preserving the record?


Availability	Readability	Integrity
Kept full period	Can be opened	Complete
Can be located	Can be read	Authentic
		Functions adequately




Remember: The longer the retention period, the more resources needed to preserve the record.

ELECTRONIC RECORDS


Email



Can be a government record and you must retain according to content.



Includes emails using personal accounts and personal devices



3 Step Drill to determine if it's a record and are you responsible for it.

ELECTRONIC RECORDS

Text messages



Can be a government record and you must retain according to content.



Yes, even if you own the phone and pay for the data plan!



Text message records require capture strategies.



Make sure you have a text message policy!

ELECTRONIC RECORDS

Social Media



Are original government records being created?



If yes, then you need a capture strategy.



Who can create records? What kinds of records are permitted?

Make sure you have a social media policy for your employees and the public. Post your public policy.



ELECTRONIC RECORDS


Scanning

BUT

TSLAC does not recommend preserving electronic records or records with very long retention periods electronically.

WRAP UP

Want more training?



- ✓ Archived Webinars:
 - ✓ Records Retention 101
 - ✓ Managing email
 - ✓ Storage Rules
 - ✓ Long-term preservation
 - ✓ Shared drive management
 - ✓ Imaging projects
 - ✓ Disaster recovery/salvage
 - ✓ And others...

<https://slrmtraining.tsl.texas.gov>

WRAP UP

Want to stay informed?



- ✓ Read our blog, **The Texas Record:**
 - ✓ Retention rule updates
 - ✓ New training classes available
 - ✓ Analyst tips

Subscribe – we'll email you new posts

www.tsl.texas.gov/slrmblog/

WRAP UP

Questions?

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