State of Florida

ELECTRONIC RECORDKEEPING STRATEGIC PLAN
January 2010 – December 2012

DECEMBER 31, 2009

Florida Department of State
State Library and Archives of Florida

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http://dlis.dos.state.fl.us/RecordsManagers

Table of Contents

Executive Summary

Most of the information and public records produced by Florida public agencies today are created by electronic means. These electronic records exist in many forms such as e-mail, spreadsheets, word processing files, databases, digital photographs, and maps, which document the activities of government. While electronic processes have improved the way agencies serve the public, they have also created a large and ever growing number of electronic records that must be managed and made available if requested. Section 119.01(2)(a), F.S., provides that "Automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must provide reasonable public access to records electronically maintained and must ensure that exempt or confidential records are not disclosed except as otherwise permitted by law."

To address recordkeeping concerns and improve electronic records management in Florida, agencies must be aware of the following requirements and considerations:

- Agencies are required to designate a records management liaison officer (RMLO) to serve as the contact between their records management program and the Department of State. As a best practice and to increase the chance for success, this records management responsibility should be placed at a senior level or direct report of a senior manager. This person should have the authority to enforce records management policies and procedures. Additionally, management of an agency's electronic records should be integrated with the agency's overall records management program. To properly manage their records, agencies must consider the information that is recorded, regardless of physical format.

- Electronic records cannot be managed independent of the media on which they reside or the systems in which they are stored and maintained. Records managers and information technology staff must work together to ensure that electronic records are retained, made available, and disposed of according to laws and regulations.

- Records management requirements must be addressed *before* new or enhanced systems are developed and implemented. Retention requirements, restrictions on public access, and considerations for retaining records with long-term value should be addressed in the planning stages for new or enhanced systems.

- Agency e-mail must be managed by its content and not by its format. An agency should not have a policy or procedure whereby all e-mail is retained for the same length of time. E-mail can have a variety of purposes and relate to a variety of program activities, and messages should be retained as long as records in other formats that document the same program function or activity.

- Not every public record is open for inspection. Although they are still public records, some are provided by law to be confidential or exempt from public

inspection. Therefore, agencies must ensure that confidential or exempt information is not disclosed when providing access to these electronic records. When the records are authorized for disposal, care must also be taken to ensure that the confidential or exempt information cannot be read or reconstructed.

- Finally, since all or most agency employees create or receive electronic records, they should be trained on the meaning, importance, and usage of the agency's records management policies and procedures. The more employees personally recognize and derive the value of good records in their own work, the more incentive they will have to create and manage records effectively.

In order to be successful, an agency's electronic records management program must involve records managers, information technology staff, senior management, and all staff who create, receive, or handle electronic records. An enterprise approach must be employed to fully manage all of an agency's electronic records.

As authorized by statute, the Department of State, through its Records Management Program, has developed rules and procedures to assist agencies in managing their electronic records. However, the complexities of maintaining public records in electronic form means that records managers need new methods and tools for managing agency records.

The Department of State will continue to develop its relationship with the Agency for Enterprise Information Technology (AEIT) and the Chief Information Officers Council (CIO Council) in order to accomplish these strategic goals. Both of these entities have responsibilities related to the implementation of specific technology. The AEIT is responsible for developing strategies for the design and implementation of enterprise information technology; the CIO Council is structured to enhance communication and collaboration among chief information officers and serves as an educational forum for enterprise information technology. Building partnerships with these entities, along with government agencies, will help ensure an enterprise-wide perspective and allow us to address challenges and best practices across agencies.

Top management needs to be aware of the issues and supportive of the proposed solutions in order for the goals to be accomplished. This plan does not pretend to have all the solutions for these issues. Instead it sets up mechanisms and partnerships for finding solutions. Success depends on agencies' actions as well as on guidance from the Department of State and its partners.

Statement of Need

The records of Florida government are increasingly stored in electronic format. It is estimated that more than 90 percent of the records being created today are electronic.[1]

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[1] ARMA International Web site (http://www.arma.org/erecords/index.cfm)

This growing volume of electronic records presents challenges in indexing, accessing, maintaining, and preserving public records. Effective management of public records in electronic format is critical, as these records document information that is necessary for essential government functions and for protecting citizen interests. All electronic records made or received pursuant to law or in connection with the transaction of official business are public records, and most are subject to inspection by any person at any reasonable time. In addition, some records have such great significance that they must be preserved in a historical records repository.

Just as with public records in other formats, electronic public records must be maintained according to established retention schedules. An electronic records management practices survey conducted in April 2009 indicated that one-third of Florida's state agencies are not ensuring that their electronic records remain viable until their authorized disposition. [2] Some public records, particularly e-mail, are either not being kept long enough or are being kept too long. Both scenarios create a liability for the agency.

As with records in other formats, electronic public records must also be made accessible according to Florida's very broad Public Records Law.[3] If requested, agencies must provide access to their electronic public records and must ensure that records containing information that is confidential or exempt from public inspection are made accessible in such a way that the confidential or exempt information is not disclosed. Electronic records pose unique challenges in providing public access. With the volume of records and the decentralization of records storage, simply locating all the records required for a public records request, as well as the redaction of confidential or exempt information, can be a daunting task.

Since most new records are stored in electronic formats and agencies regularly implement new information systems, it is increasingly important for agencies to coordinate their records management programs and their information technology (IT) programs. Records management programs implement public records requirements and policies, and IT programs are responsible for maintaining a technological infrastructure capable of supporting those requirements and policies. In addition, as technology ages, agencies face challenges related to changing storage mediums and software. However, many agencies do not require records management and IT staff to work together when developing and implementing electronic records management practices or when planning and budgeting for new information systems.

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[2] The Department of State surveyed 36 state agencies on their electronic records management practices in April 2009. All 36 agencies responded to the survey and only 66.7 percent or 24 agencies reported that they do some sort of data migration, copying, or reformatting to ensure that electronic records are retained in a usable format until their authorized disposal.

[3] Section 119.07(1)(a), F.S., states "Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records."

The rapid advancement of technology has the potential to leave electronic records inaccessible before their required retention has been met. Agencies may lose the capability to access archived records that are stored on outdated storage media unless they convert these records to newer technology.

Records in electronic form must be managed as public records and not simply as data. More often than not, new automated systems are put into place without considering the records management requirements of the information stored in the system. How long must the information be retained? Is there confidential or exempt information that must be protected? How will public access to the records be provided? How will disposition be carried out? Agencies need a mechanism to ensure that these issues are addressed when designing new systems or enhancing existing ones.

E-mail has become such an integral part of the way we do business that it is hard to imagine working without it. Much of today's business-critical information is stored in e-mail systems and many business decisions are documented only in e-mails. The management of e-mail is critical not only because of the sheer volume of data overloading e-mail systems, but because the information in e-mails that are created and received in the normal course of business is public record and must be retained according to established retention schedules and made available for inspection and copying in accordance with the Public Records Law.

With the growth of electronic records and the move away from centralized filing systems, employees have more responsibilities for managing their own electronic records. It is not uncommon that those who create and use electronic records on a daily basis are not properly trained to manage the records. If specific training on the management issues related to e-mail and other electronic records is not provided, agencies are at greater risk of not complying with public records laws and rules.

The advent of easily accessible and widespread use of information technology and the resulting explosion in the volume and type of electronic information it creates require new responses from Florida government recordkeepers.

History

Florida's Records Management Program has been in existence since 1969 and is a cooperative effort between the Division of Library and Information Services and state and local government agencies throughout Florida. The Division is mandated by section 257.36, F.S.[4], to conduct a records and information program to promote the efficient, effective, and economical management of public records as defined in Florida's Public Records Law, section 119.011(12), F.S. As Chapter 119 and numerous court decisions and Attorney General Opinions make clear, public records include those created or maintained in electronic form, such as agency e-mail messages, budget spreadsheets, etc. Thus, these electronic records are subject to the same records retention, access, and disposition requirements as traditional paper records.

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[4] Section 267.051, F.S, prior to 1986.

The Division's records management program offers information resources, training, and technical assistance to state and local government agencies to: ensure their compliance with records retention requirements; reduce costs for records storage; increase efficiency of records retrieval; identify and protect vital records; implement electronic recordkeeping requirements and guidelines; and identify records of enduring historical research value. Every agency is required to appoint a records management liaison officer (RMLO) to serve as the primary point of contact between the agency and the Division's records management program.[5]

The Division has promulgated administrative rules to aid agencies in establishing and maintaining a records management program:

> ***Rule 1B-24, Public Records Scheduling and Disposition*** establishes standards and procedures for the scheduling and disposition of public records to promote economical and efficient management of records and to ensure that records of archival value under an agency's control are so designated and ultimately transferred to the State Archives of Florida.

> ***Rule 1B-26.0021, Records Management - Standards and Requirements - Microfilm Standards*** provides standards for microfilming of public records to ensure that the film, photographing methods, processing, handling, and storage is in accordance with methods, procedures, and specifications designed to protect and preserve such records on microfilm.

> ***Rule 1B-26.003, Records Management - Standards and Requirements - Electronic Recordkeeping*** provides standards for public records created and/or maintained on electronic media.

As recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA) Report 99-05, issued in August 1999, the Department of State initiated a compliance review process relative to the disposition of public records in accordance with its records management policies and procedures. The annual ***Records Disposition Compliance Summary*** for the fiscal year ending 2008 showed an overall compliance rate among respondents of approximately 99.13 percent and a total of 839,321 cubic feet of records destroyed in accordance with Chapters 119 and 257, F.S., and Rule 1B-24, *Florida Administrative Code*. Through these records disposition practices, the state of Florida saved over $71.3 million in cost avoidance in FY 2008.

In today's records management world:
- More and more paper records are being converted to electronic form to facilitate access and reduce storage costs.
- Many electronic records are "born digital" so there is no paper counterpart.
- Electronic records systems are being put into place without consideration of records management requirements necessary to manage the records throughout their life cycle.

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[5] Section 257.36(5)(a), F.S., states that it is the duty of each agency to "cooperate with the division in complying with the provisions of this chapter and designate a records management liaison officer."

- Many electronic records are not readily associated with the record series to which they belong.
- Some electronic records are destroyed before their retention is met and others are kept longer than required.
- The volume of electronic records magnifies the problem.
- Technological advances leave records inaccessible because of obsolete software and hardware.
- It is difficult to get management's attention until there is a problem gaining access to records.
- More often than not there is no established relationship between records management and information technology.

The many issues of maintaining public records in electronic form means that records managers need new tools and ways of managing agency records. New relationships are needed to ensure that all the required parties are at the table to facilitate a solution. Top management needs to be aware of the issues and supportive of the proposed solutions in order for the goals to be accomplished.

Mission

The mission of Florida's Electronic Records Management Program is to ensure the efficient, effective, and economical management of Florida's electronic public records and information. Proper electronic records management ensures that electronic information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment.

Florida law mandates that the Department of State is the lead agency for records management and charges the Department with providing guidance and training to state agencies and local governments. The Records Management Program has the expertise to assist agencies with traditional records management. Policies and procedures for management of traditional formats of records are well established. These policies and procedures must be extended to address the issues associated with electronic records.

In keeping with the Department of State's statutory responsibilities, this plan focuses on recordkeeping strategies as they relate to electronic records and not on specific technology solutions. While the Department of State establishes rules, policies, and guidelines to ensure that public records are retained and accessible for as long as they are needed, the Department does not dictate the use of specific technologies or architectures for the storage and maintenance of electronic records. Each agency is responsible for ensuring that the technologies they employ support records management requirements established by the Department.

Vision

The electronic records of Florida government are valuable assets to its citizens; the availability and integrity of these records must be protected. Florida public agencies will ensure that electronic public records in their custody are accessible and maintained according to established retention schedules.

The creation and use of electronic records brings a new dimension to records management and requires collaboration with the experts in information technology in order to properly manage these records.

Strategies

In order to be successful, an agency's electronic records management program must involve records managers, information technology staff, senior management, and all staff who create, receive, or handle electronic records. An enterprise approach must be employed to fully manage all of an agency's electronic records. With electronic records management fully implemented, an enterprise can realize positive benefits, reduced legal exposure, and real cost savings to the information management of essential business functions of government.

The Agency for Enterprise Information Technology (AEIT) was created to develop and implement strategies and policies for the design, delivery, and management of enterprise information technology. The CIO Council was established by the Legislature to enhance communication and collaboration among chief information officers. The Department of State must build relationships and partnerships with these entities, along with government agencies, to ensure an enterprise-wide perspective, addressing challenges and best practices across agencies.

The Florida Records Management Program will work with agency leaders, senior management, information technology staff, and records managers to find solutions for the issues surrounding the management of electronic records.

Strategic Issues, Goals, and Objectives
Strategic Issue: Records Management Duties and Placement in the Agency

Records management is a key driver in increasing organizational efficiency and offers significant business benefits. Records management improves the use of staff time by reducing the time spent looking for information, facilitates sharing of information, reduces the unnecessary duplication of information, identifies how long records need to be kept, optimizes the legal admissibility of records, and supports risk management and business continuity planning. If an agency is to operate properly and efficiently, according to laws and regulations, proper records management is essential.

Placing the records management responsibility at a senior level is a best practice and increases the chance for success. According to the Generally Accepted Recordkeeping Principles (GARP) developed by ARMA International, the leading professional association of the records management profession, "a basic premise to sound recordkeeping is that within each organization, someone is designated as responsible for the overall program. This does not have to be a full-time responsibility, but it does need to be formally designated to someone in a senior-level position who has access to other senior executives and can ensure program implementation across the organization. The accountable senior executive will oversee the overall recordkeeping program, although this executive often will assign or designate other personnel to roles and tasks involved in different parts of the recordkeeping program." Senior management commitment to records management and electronic records projects is essential, because strategic decisions about policy, resource management, and records and information management need to be made corporately.

The management of electronic records must be integrated with the agency's overall records and information management. To properly manage their records, agencies must consider the information that is recorded and what it documents, regardless of physical format. The appraisal of electronic records should not be carried out in isolation from the other records agencies produce. Electronic records should be managed along with traditional record formats so that the public record is maintained according to established retention schedules.

Strategic Goal
A recordkeeping program, including electronic records, is established and a senior executive is assigned to oversee the program.

Strategic Objectives
1. The RMLO is a senior-level position or reports to a senior-level position and has the authority to establish and implement an agency-wide recordkeeping program.
2. Electronic records management is integrated with the agency's overall recordkeeping program.

Strategic Issue: Coordination and Interaction between RM and IT

Electronic records cannot be managed independent of the media on which they reside or the systems in which they are stored and maintained. Records managers may know how long the content of the electronic records has to be kept, but it is information technology staff who can design the system so that it does, in fact, keep the records for the specified retention period.

Records managers and information technology staff must work together, each providing their own expertise, to ensure that electronic records are retained, made available, and disposed of according to laws and regulations. Working together, they must develop strategies for proactively managing the electronic records of their agency. Records management personnel will be required to provide expertise on recordkeeping requirements and the appraisal process. Information technology personnel will be required to identify and retain appropriate metadata, provide technical expertise, and undertake the capture and maintenance of electronic records.

Strategic Goal
Program responsibility for records management program development and implementation includes records managers and information technology staff.

Strategic Objective
The records management liaison officer and chief information officer or other designated information technology staff have regular meetings to discuss systems development and enhancement and related records management requirements.

Strategic Issue: Data Migration

Electronic records must be accessible until their authorized disposition in accordance with established retention schedules. If the system used to access electronic records is upgraded, replaced, or no longer in use, but the records have not yet met their retention, steps must be taken to ensure that the records can still be accessed.

During its life cycle, electronic information needs to be constantly migrated to currently supported hardware and software to sustain its ongoing accessibility. The electronic records stored in the old system that have not met their retention requirements must be retained and migrated into the new system or into a format that can be read in an existing system.

Strategic Goal
Electronic records that have not met retention are migrated when automated systems are upgraded, replaced, or taken out of use.

Strategic Objectives
1. Develop a process to review retention requirements of records stored in systems that are slated to be upgraded, replaced, or taken out of use.

2. Develop a process of determining how to transfer records to ensure their continued accessibility.

Strategic Issue: Records Management Requirements for New or Enhanced Systems

Electronic records management issues need to be planned and budgeted with any initiative that will create public records. Electronic records are best managed if recordkeeping requirements are identified in the design phase of the system. Retention requirements must be determined, as well as any restrictions on public access, such as those for information that is exempt from public inspection. Considerations for retaining records with long-term value are particularly important.

Strategic Goal

Records management requirements are addressed when new or enhanced systems are developed.

Strategic Objectives

1. Add a records management component to the agency's Information System Development Methodology (ISDM) that includes requirements for records retention and disposition in accordance with established retention schedules.
2. Include a records manager in information technology project development and implementation to ensure that system functionality accommodates records management requirements.

Strategic Issue: Management of E-mail

Every agency struggles with the retention of e-mail. Mail servers are overloaded, presenting challenges for information technology staff. At first glance, e-mail archive software looks like a good solution because it takes the load off the mail server by moving messages to the archive. Most e-mail archive software also has powerful searching features that help with legal discovery of electronic records ("e-discovery"). Unfortunately, this software usually lacks the flexibility to retain different categories of messages for different lengths of time; instead it sets a uniform length of time that all of the e-mail messages will be retained in the archive, for example three years or seven years, after which all are destroyed. What this means for the agency is that some messages that could have been deleted immediately or within a very short time are now retained with all the other messages of longer value, further clogging the system with unnecessary information. On the other end of the spectrum, some e-mail messages require longer retention and will be deleted before their required retention.

There is no single retention period that applies to all of any agency's e-mails. E-mail, as with records in other formats, can have a variety of purposes and relate to a variety of program functions and activities. The retention of any particular e-mail message will generally be the same as the retention for records in any other format that document the same program function or activity. For instance, e-mails might fall under a CORRESPONDENCE series, a BUDGET RECORDS series, or one of numerous other series, depending on the content, nature, and purpose of each e-mail.

Individual e-mail messages need to be retained for varying lengths of time according to associated retention schedules. The indefinite retention of all e-mail contradicts the real need for proper records management. A decision now to avoid properly classifying records and to retain everything indefinitely essentially forces the permanent retention of everything forever. No agency will ever be able to dispose of these records since there will be no distinction between those that actually do require long-term or permanent retention, based on the legal, fiscal, administrative, or historical value of their content, and those that could have been disposed of almost immediately after their creation or receipt.

Additionally, as with other electronic records, the nature of e-mail and individual user mailboxes requires that e-mail be first managed by the individual user, who is most aware of the content, nature, and purpose of his or her e-mail. Employees at all levels have been managing public records for decades and there is no reason to think they are not qualified for this responsibility just because the records are in electronic format. All employees must be trained on the proper management of electronic records including e-mail.

Strategic Goal
E-mail is managed in accordance with established retention schedules.

Strategic Objectives
1. When looking for e-mail solutions, agencies include a records management functional requirement.
2. Employees are made aware of their responsibility to manage their e-mail according to established retention schedules.

Strategic Issue: Protecting Confidential or Exempt Information
Not every record generated by local and state government is open for inspection. Some public records are provided by law to be confidential or exempt from the public disclosure requirements of section 119.07(1), Florida Statutes, and section 24(a), Article I of the State Constitution.

Florida statutes exempt specified records from public disclosure, usually for reasons of public safety, public health, law enforcement, and/or personal privacy. However, it is important to remember two key points. First, Florida's Public Records Law emphasizes a "general state policy on public records" that "…all state, county, and municipal records are open for personal inspection and copying by any person" (section 119.01(1), F.S.). In other words, government records are open to public inspection unless specifically exempted by law. Second, while "exempt" records are exempt from the public disclosure requirements of section 119.07(1), F.S. and section 24(a), Article I of the State Constitution, they are still public records and thus *not* exempt from other legal records management requirements such as those concerning records retention scheduling and disposition.

Strategic Goal
Electronic records containing confidential or exempt information are maintained, made accessible, and disposed of in such a way that the information is not disclosed and, in the case of disposal, cannot practicably be read or reconstructed.

Strategic Objectives
1. Adopt a set of procedures for public records requests including provisions for redacting confidential or exempt information.
2. Adopt a set of procedures for the disposal of public records including provisions for ensuring that confidential or exempt information cannot be read or reconstructed.

Strategic Issue: Electronic Records Management Training
According to ARMA's GARP Principle of Integrity, "All employees are responsible to comply with the records management program and should be trained on the meaning, importance, and usage of the corporate policies and procedures." Obviously, it does no good to have policies and procedures if employees are not aware of them and are not required to follow them. The more employees personally recognize and derive the value of good records in their own work, the more incentive they will have to create and manage records effectively. With the move away from centralized filing systems, each employee has more responsibilities for managing their own electronic records. Agencies must provide training and support to help ensure that policies and procedures are understood and implemented by staff.

Strategic Goal
Electronic records management training is provided for employees and mandatory for key employees.

Strategic Objective
Identify and train electronic records users so they are aware of their specific responsibilities for managing electronic records and information resources.

Success Measures

By December 31, 2012:

1. 50 percent of state agencies report that their records management liaison officer is a senior-level position or reports to a senior-level position and has the authority to establish and implement an agency-wide recordkeeping program.
2. 75 percent of state agencies report that their electronic records management is integrated with the agency's overall recordkeeping program.
3. 60 percent of state agencies report that the records management liaison officer and chief information officer or other designated information technology staff

have regular meetings to discuss systems development and enhancement and related records management requirements.

4. 70 percent of state agencies report that they have a process to review retention requirements of records stored in systems that are slated to be upgraded, replaced, or taken out of use.
5. 70 percent of state agencies report that they have a process of determining how to transfer records to ensure their continued accessibility.
6. 70 percent of state agencies report that they have a records management component in the agency's Information System Development Methodology (ISDM) that includes requirements for records retention and disposition in accordance with established retention schedules.
7. 60 percent of state agencies report that they include a records manager in their information technology project development and implementation.
8. 65 percent of state agencies report that when looking for e-mail solutions, they include a records management functional requirement.
9. 75 percent of state agencies report that their employees are made aware of their responsibility to manage their e-mail according to established retention schedules.
10. 95 percent of state agencies report that they have adopted a set of procedures for public records requests including provisions for redacting confidential or exempt information.
11. 85 percent of state agencies report that they have adopted a set of procedures for the disposal of public records including provisions for ensuring confidential or exempt information cannot be read or reconstructed.
12. 80 percent of state agencies report that they identify and train electronic records users so they are aware of their specific responsibilities for managing electronic records and information resources.

The Department of State will survey state agencies during the time period covered by this plan annually to track progress toward these goals.