

WHAT ARE RECORDS?

A discussion of records retention should logically begin with determining just what is a record. Definitions may vary depending on the author, context and scope of what is being defined. For the purposes of this discussion, the audience is Arizona State Agencies and Political Subdivisions, and the legal definition, as it appears in the Arizona Revised Statutes, shall apply.

As defined in the Arizona Revised Statutes (A.R.S. §41-1350) records are: *All books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics . . . made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government, or because the informational and historical value of the data contained therein . . .*

Records as defined above are the property of the State of Arizona. They are in no sense personal property nor are they the property of a specific agency or political subdivision (A.R.S. §41-1347).

It is frequently assumed that records are only paper materials. In the definition above the phrase "regardless of physical form or characteristics" greatly expands on that assumption. Records may include computer based records, still photographs, motion pictures, audio and video recordings, charts, maps, drawings, plans, micrographics and more.

E-RECORDS

E-records are those that reside in electronic computer systems or other electronic media. Those records created in an electronic/digital environment are referred to as "born digital" and may well spend their entire life-cycle in this form. E-records are a documentary product of e-government, or digital government.

The Arizona Electronic Transaction Act (A.R.S. §44-7001 et. seq.) authorizes state and local governments to establish electronic/digital systems for conducting their business. It also specifically requires that any records that are a product of these systems be managed pursuant to Arizona's government records statutes.

NON-RECORDS

The definition of records encompasses a broad spectrum of recorded information; but not all recorded information is a record. According to Statute (A.R.S. §41- 1350):

. . . Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications or documents intended for sale or distribution to interested persons, are not included within the definition of records . . .

Non-record materials *may* include:

- Reading file copies of correspondence
- Tickler, follow-up, or suspense copies of correspondence
- Identical duplicate copies of all documents maintained in the same file
- Extra copies of printed or processed materials
- Superseded copies of published manuals and directives
- Catalogs, trade journals, magazines, etc
- Information copies of correspondence
- Physical exhibits, artifacts, and material objects lacking documentary values

Non-records are usually not to be mixed with records in the same file. The fact that an item is a copy does not, in itself, give it non-record status. Several copies of a single document may each have record status because each serves a separate program purpose. Multiple copies of a single record, however, generally are not all records. One copy of a document is usually designated as the "official" copy.

When it is difficult to decide whether files are record or non-record materials, the agency should treat them as records. The assistance of the Records Management Division, Arizona State Library, Archives and Public Records is always available to help with this decision.

BE CAREFUL WITH NON-RECORDS

From the standpoint of both state and Federal court Rules of Evidence, there is little if any difference between records and copies of records. During the discovery process of a civil suit the non-record copies are just as discoverable as evidence as the original records. Stay on the safe side and treat non-record copies as you would treat original records.