

FREQUENTLY ASKED QUESTIONS (FAQ) GENERAL RECORDS MANAGEMENT

Assistance from L.A.P.R.

1. I am brand new to records management, and I need to know what to do?

The Archives and Records Management Branch has created the Records Officer Handbook with just this type of situation in mind. The L.A.P.R. has created this *Records Officer Handbook* to assist agency RO's in managing, retaining, and disposing of agency records in accordance with Arizona Statutes.

The following is a link to the Records Officer Handbook:

<http://www.azlibrary.gov/arm/guidelines-standards-and-statutes>

2. How do I receive information from the L.A.P.R. regarding records management?

The L.A.P.R. Listserv is broken out into two separate User types: one for Records Officers and one for "Friends Of" Records

Join the L.A.P.R. Listserv and you will receive all RM-related emails. In order to join, all you need to do is send an email to: records@azlibrary.gov In your email, include your name, email address, public body name, User type, and mention that you would like to be added to the L.A.P.R. Listserv.

3. Will the L.A.P.R. recommend (certify or approve) a certain vendor or system that we can use to manage our records?

The Library, Archives and Public Records (L.A.P.R.), and its employees, does not **certify**, **endorse** or **approve** any specific system, software, hardware, etc., for the filming, scanning, management, storage, retrieval, retention or disposition of records.

We work with all types of public bodies and all types of RM solutions and tools. While we believe some are better than others (a fairly universal understanding of many things), we are not allowed to specifically recommend, endorse or certify one product or vendor over another. We may, from time to time, issue a concern about a particular vendor, system or service, but we usually have a specific reason or cause for doing so.

Essential Records

4. What are Essential Records?

We have two resources related to Essential Records. The following link will take you to our Forms and Approvals, page, where you will find everything you need to know at that location. The *Establishing an Essential Records List* is our handbook on essential records. The Essential Records Listing Form and sample templates are also located here.

<http://www.azlibrary.gov/arm/forms>

The following link will take you to our Trainings page, where you will find all of the Essential Records webinars, PowerPoints, etc.:

<http://www.azlibrary.gov/arm/programs-training-and-presentations/classes>

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Imaging Requests, Microfilming and Scanning Records

5. What is an Imaging Request, and when do I need one?

ARS §41-151.16.A, specifies that agencies and public entities, "...may implement a program for the production or reproduction by photography or other method of reproduction on film, microfiche, digital imaging or other electronic media of records in its custody...". Further, agencies and public entities can catalog and index these reproductions.

However, pursuant to the same statute, agencies must obtain approval from the L.A.P.R. prior to undertaking such projects. The L.A.P.R., via the Imaging Request process, must approve:

- types of records being produced or reproduced
- methods of production, reproduction, storage
- equipment and software involved in the processes
- destruction of source documents

Agencies undertaking an imaging project must be aware that records reproduced as provided in ARS §41-151.16A, may become the official record. You may also refer to ARS §44-7041 regarding creation, retention and conversion of written records.

6. What is a Microfilm Request, and when do I need one?

If a public body wishes to microfilm paper records, they must obtain approval from the L.A.P.R. prior to undertaking such projects. The approval process for a Microfilm Request is similar to that of the Imaging Request. Microfilm (microforms) consist of both microfilm or microfiche, and may be silver masters or diazo copies.

7. Are there any Standards for Imaging or Microfilming?

Yes, there are Standards for both the scanning and microfilming process. Depending on your imaging project(s), you will need to refer to the following standards prior to completing the request form:

- *Arizona Standards for Permanent Records*
- *Guidance on AZ Standards*
- *Certificate of Compliance for Microfilm/form PDF Excel*
- *Minimum Standards for Digital Imaging or Scanning Textual Documents*
- *Minimum Standards for Scanning Photographs*
- *Minimum Standards for "Born Digital" Photographs*

Arizona State Standards written by the Archives and Records Management branch of the L.A.P.R. are based on:

- National, international and industry research, standards and guidelines in the microfilm and digitization of records
- Risk of loss of records due to file format migration, readability, clarity, authenticity issues and bit rot over long periods of time.

All of the Standards are located on our website at the following link:

<http://www.azlibrary.gov/arm/guidelines-standards-and-statutes>

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8. Does the L.A.P.R. certify, endorse or approve any Imaging Vendors or Systems?

The Library, Archives and Public Records (L.A.P.R.), and its employees, does not **certify**, **endorse** or **approve** any specific system, software, hardware, etc., for the filming, scanning, management, storage, retrieval, retention or disposition of records.

The L.A.P.R. has been told in the past that we had “certified” a particular company / product by approving an Imaging Request for a public body that used their product. There was no other “certification” documentation provided as support for these claims. As clarification, when the L.A.P.R. approves an Imaging Request for a public body, we do so under the authority of ARS 41-151.16. When we approve an Imaging Request, we are approving it only for that particular public body based upon their submission and L.A.P.R. standards and best practices. The L.A.P.R. is providing approval for “the types of records to be produced or reproduced and of the methods of production, reproduction and storage and the equipment which **the agency proposes to use** in connection with the production, reproduction and storage.”

Our approval of an Imaging Request should not be seen as a certification, endorsement or approval of any equipment or system beyond their use by the public body that has submitted the Imaging Request, and only for those records that have been included under the Imaging Request.

Job Descriptions for Records Management Positions

9. Do you have a Job Description for “Records Manager”?

I have received several inquiries recently regarding Position Descriptions and Qualification for Records Management-related jobs. The Federal Government recently released an excellent “flysheet” on this matter, and I thought I would make sure you all had a chance to see the information, if needed for now or future reference. Click on the link below to take you to the “Flysheet” produced by the Federal Government. Once there, you will want to click on the link in the letter to Attachment 3, “Position Classification Flysheet...”:

<https://www.chcoc.gov/content/final-position-classification-flysheet-and-qualification-standard-records-and-information>

No sense reinventing the wheel if others have gone through all the pain ahead of us.

Litigation and Records

10. What is the retention for any records that are involved in litigation? We are not always notified when the litigation ends so this is creating confusion.

During the course of any public records request, litigation, audit or government investigation, the destruction of any corresponding records needs to be placed on hold. Once the litigation, audit or government investigation is finished, then the records may be destroyed based upon their original retention period.

Any records involved in litigation, audit or government investigation cannot be destroyed until it has been determined that the action has ended, and any related actions (appeals, etc.) have been

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completed. In order to destroy the records as presented in your email, someone from the Fire District will need to receive documentation that the litigation has ended before any records can be destroyed. Without this formal notification that the litigation has ended, I would recommend that you NOT destroy the Records.

Permanent (Historical) Records

11. What is a Permanent record?

Permanent records are records that have enduring, historical or research value that are retained permanently in an office or in the Arizona State Archives after a period of active use. Records are considered permanent if they have enduring administrative, fiscal or legal value to government or if they possess significant secondary research value beyond those for which they were created. Permanent Records are also known as Historically Significant, Historical or Archival Records.

Whenever and wherever the Arizona State Library, Archives and Public Records (L.A.P.R.) refer to Permanent Records, the following are explicitly included:

- 1) Permanent Records are any records in which the retention period is listed as “Permanent” on an approved Retention Schedule (General or Custom), or deemed historical records. Any and all Permanent Records shall be strictly processed, retained, maintained and preserved per the *Arizona Standards for Permanent Records*.
- 2) Any public body, or their vendor, that processes, retains, maintains and preserves their own Permanent Records, must strictly follow the *Arizona Standards for Permanent Records*. There are no exceptions.

The following link will take you to our *Permanent and Historical Records* Guidance:

<http://www.azlibrary.gov/arm/guidelines-standards-and-statutes>

12. What are some common types of Permanent records?

Minutes

Org Charts

Policies and Procedures

Annual Approved Budget (often called CAFR)

Mission Statements

Charter, Amendment and Incorporating Records

Trademarks, Copyrights and Patent Records

13. Do you know when the State started requiring that minutes be microfilmed?

I think there are two answers that I need to discuss:

1. Minutes have been a Permanent record on Retention Schedules, going back to the late 1980s (1988).
2. We established the (Arizona) Standards for Permanent Records in 1985, which required paper or microfilm as the only formats that are approved for Permanent records. These Standards remained pretty much unchanged until 2014. In January 2014, the Standards for Permanent Records expanded the approved formats for Permanent records to Paper, Microfilm or “Born Digital” electronic.

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So, the L.A.P.R. never said Minutes had to be on Microfilm, but Permanent records had to be on either Paper or Microfilm. I hope this answer helps, but please let me know if you have any questions.

14. What is the required format for Permanent records?

According to the Arizona Standards for Permanent Records, there are now three formats for Permanent records:

- Paper
- Microfilm
- Born-digital (If records are created electronically / digitally, and if those records have a Permanent retention period, then those records may be retained in an electronic format to meet their Permanent retention. But, you still need to follow the Arizona Standards for Permanent Records, regardless of format.)

What does not meet the Permanent Standard is paper that has a Permanent retention period and is scanned into an electronic format. That is why we changed the Imaging Request forms to remove the illusion that you can scan records that have a Permanent retention period. Permanent paper records that are scanned still need to be retained since the electronic copy is merely for access use.

Public Bodies, State and Local Agencies

15. What is a State Agency?

Per ARS § 41-1001, "Agency" means any board, commission, department, officer or other administrative unit of this state, including the **agency** head and one or more members of the **agency** head or **agency** employees or other persons directly or indirectly purporting to act on behalf or under the authority of the **agency** head, whether created under the Constitution of Arizona or by enactment of the legislature. **Agency** does not include the legislature, the courts or the governor. **Agency** does not include a political subdivision of this state or any of the administrative units of a political subdivision, but does include any board, commission, department, officer or other administrative unit created or appointed by joint or concerted action of an **agency** and one or more political subdivisions of this state or any of their units.

16. What is a Local Agency?

Local Agency applies to all types of governments EXCEPT State Agencies, and includes: Community Colleges, Counties, Fire Districts, Municipalities, School Districts and Charter Schools, and Special Districts.

17. What is a Public Body?

Public body includes both State and Local Agencies. The term is defined in ARS § 39-121.01: "Public body" means this state, any county, city, town, school district, political subdivision or tax-supported district in this state, any branch,

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department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from this state or any political subdivision of this state, or expending monies provided by this state or any political subdivision of this state.

Public Records Requests

18. Can we charge for employee time for Public Records Requests?

There are two types of Public Records Requests (PPR): Non-Commercial and Commercial. Commercial PRRs are those where the Requestor has the expectation that they will be able to use the information from the PRR to make money.

Non-Commercial PRRs are those where the Requestor has no intent to use the information from the PRR for financial reasons.

For Non-Commercial Requests, public bodies are only allowed to charge for copying and postage. Period. (ARS 39-121.01.D.1)

19. Can we charge for Public Records Requests responses that are emailed?

For Non-Commercial Requests, public bodies are only allowed to charge for copying and postage. Period. (ARS 39-121.01.D.1)

If there is no copying or postage charges involved in emailing a PRR response, then nothing can be charged.

20. We are of the impression that we can charge for employee time for subpoenaed records or commercial records but not for other records requests.

Requests for Records based upon Litigation are very different from PRRs. Responses to subpoenas fall under this category. This is a matter that should be referred to your Legal Department or Legal Counsel.

Commercial PRRs need to be in writing, and there are three charging options:

39-121.03. Request for copies, printouts or photographs; statement of purpose; commercial purpose as abuse of public record; determination by governor; civil penalty; definition

A. When a person requests copies, printouts or photographs of public records for a commercial purpose, **the person shall provide a statement setting forth the commercial purpose** for which the copies, printouts or photographs will be used. Upon being furnished the statement the custodian of such records may furnish reproductions, **the charge for which shall include the following:**

1. A portion of the cost to the public body for obtaining the original or copies of the documents, printouts or photographs.
2. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.

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3. The value of the reproduction on the commercial market as best determined by the public body.

Records Destruction

21. I am looking for help on Records Destruction. Where do I go?

The following link will take you to our Records Destruction Forms, and you will be looking for the section, *Disposition and Destruction*:

<http://www.azlibrary.gov/arm/forms>

22. Why is there more than one reporting form for Destruction?

There are three main forms used for reporting destruction of records:

Certificate of Records Destruction is used when reporting records that are on an approved Retention Schedule and those records have met the end of their retention period.

Notice of Destruction Prior to Records Disposition is used to report records that have been accidentally destroyed before the end of their retention period.

Pre-Approval for Unscheduled Records Disposition is used if records are not on an approved retention schedule, but the RO determines they have met their legal, fiscal, and administrative needs for the agency. The RO may request the records be disposed of (ARS §41-151.14(4)) using this form. You will need to submit a *Pre-Approval for Unscheduled Records Disposition* for authorization from L.A.P.R. prior to destroying records.

23. Do I need to report destruction?

The Records Officer is responsible for reviewing the agencies records to determine which are eligible for final disposition according to general and custom retention schedules. When records meet their final disposition, according to the retention schedule, they must either be destroyed or transferred to the State Archives (if they are Permanent Records). All destruction of records must be reported, per ARS §41-151.19.

24. How often do I need to submit the Form?

At least annually, per ARS §41-151.19, the following should occur:

- Submit a Certificate of Records Destruction for all records destroyed
- Review and respond to the Pre-disposition Release Form, if storing records at the Records Center

25. Do I need to use a particular vendor?

The L.A.P.R. cannot recommend one vendor over another. But, we do offer guidance on the destruction of records.

For Paper Records:

The most desirable method of destruction for non-confidential records is recycling.

For confidential records destruction, the following methods should be used:

- Shredding
- Pulping
- Macerating
- Burning

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Confidential records destruction service should be performed by:

- In-house shredder
- State Records Center
- A vendor certified by the National Association for Information Destruction (NAID)

Records Officer, Records Manager, Records Custodian

26. What is a Records Officer?

The role of the public body Records Officer is vital in the management of Arizona's public records. Each state and local agency head is responsible for the proper management of state records as outlined in the Arizona Revised Statute §41-151.14. In addition, the head of each agency shall appoint one Records Officer (RO) who shall direct the Records Management Program and act as a liaison to the L.A.P.R.

27. How do I find out who is the Records Officer for my public body?

You will need to contact our Records Specialist, and they will be able to provide that information for you. Our Records Specialist can be contact at 602-926-3815, or at records@azlibrary.gov

28. What is a Records Custodian?

The Records Custodian is the person that is in possession, custody and control of a public body's records. Per ARS § 39-121.01, "The copies, printouts or photographs shall be made while the public record is in the possession, custody and control of the custodian of the public record and shall be subject to the supervision of such custodian."

29. What is the difference between a Records Officer, Records Manager, and Records Clerk?

This is how the L.A.P.R. sees the breakdown of Records Officer, Records Manager, Records Custodian, and Record Clerk:

Records Officer

We consider the Records Officer to be the person responsible for running the entire RM Program for a public body (Community College, County, Fire District, Municipality, School District or Charter School, Special District or State Agency, Board or Commission. The Records Officer position is statutorily required, per ARS 41-151.14:

41-151.14. State and local public records management; violation; classification; definition

A. The head of each state and local agency shall:

7. Designate an individual within the agency to manage the records management program of the agency. The agency shall reconfirm the identity of this individual to the state library every other year. The designated individual:

- (a) Must be at a level of management sufficient to direct the records management program in an efficient and effective manner.
- (b) Shall act as coordinator and liaison for the agency with the state library.

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Records Manager

The Records Manager is usually directing the program for a larger subset of the public body (Department, Division, Office, etc.). For example: a County will have one Records Officer, but many Records Managers, usually one for each Department of the County.

Records Custodian

This is often a Records Manager, but this person has the actual "custody" of the records, and is mentioned in the ARS Title 39 - Public Records:

39-121.01. Definitions; maintenance of records; copies, printouts or photographs of public records; examination by mail; index

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the **custodian** mail a copy of any public record not otherwise available on the public body's website to the requesting person. The **custodian** may require any person requesting that the **custodian** mail a copy of any public record to pay in advance for any copying and postage charges. The **custodian** of such records shall promptly furnish such copies, printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in section 39-122 or 39-127 shall be furnished without charge.

3. ...The copies, printouts or photographs shall be made while the public record is in the possession, custody and control of the **custodian** of the public record and shall be subject to the supervision of such **custodian**.

Records Clerk

Often does the actually filing and management of records, but under the direction of a Records Manager.

Records Storage

30. Our Clerk of the Board is "responsible for records retention" officially by policy. This Board member is keeping things in her possession at home. I have no way to access them for staff use of the records or for public records requests, should that need arise. Do you have any information or documentation or statute or AG Opinions that would help me resolve this situation?

I think the following statute will be helpful:

39-121. Inspection of public records

Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.

The records for a public body need to be retained in the best possible location to enable:

1. Access by the public to the records in the event of a Public Records Request
2. Access by staff, since records serve the purpose of documenting and enabling the public body to provide business services to the public.

Retaining the records on-site at the District Office or headquarters, and not at the home of an employee of Board member, provides all of the following:

Chain of custody, which allows the records to be used in Court

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Security
Privacy protection
Access
Records Storage Requirements

For these reasons, **where and how** the records are stored needs to be fully considered in light of the above.

Redaction

31. How do I know what information needs to be redacted?

I wish the topic of what information to redact was an easier one. From a general sense, the guidance we follow that deals specifically with redaction is from the Arizona Attorney General's Office, *Handbook for State Agencies*, Chapter 6 – Public Records:

6.5.3 Duty to Redact.

- When confidential and public information are commingled in a single document, a copy of the document may be made available for public inspection **with the confidential material excised**.
(*Carlson*, 141 Ariz. at 491, 687 P.2d at 1246; *see also KPNX-TV*, 183 Ariz. at 594, 905 P.2d at 603 (custodian must demonstrate specific reasons and a good faith basis for denying access to entire record rather than redacting confidential portions).
- If confidential material has been attached to an otherwise disclosable document, **the material so attached may simply be removed**.
(*See id.*; Ariz. Att'y Gen. Ops. I86-090, I85-097.)
- The public body should note in its records precisely **which material has been excised and which has been released**.

Determining what information is “confidential” is not an easy thing in Arizona. We have over 300 statutes that make information “confidential”. The best resource for determining what information is made “confidential” by statute is located in the same Attorney General *Handbook for State Agencies*, which contains **Appendix 6.1 - Records Made Confidential / Non-Disclosable by Arizona Statute (In Order by Title/Statute)** AND, the same information in a different arrangement, **Appendix 6.2 - Records Made Confidential / Non-Disclosable by Arizona Statute (Alphabetical by Subject)**.

Here is a link to the Attorney General's *Handbook for State Agencies*:
<https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch06-2013B.pdf>

Retention Schedules and Retention Periods

32. I am trying to find the Retention Schedules for my State or Local Agency. Where can I find them?

There are two kinds of Retention Schedules: General and Custom. Most of the Retention Schedules that apply to your Agency will be General Schedules.

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33. What does it mean when the Retention Schedule has a “ – “ instead of a number in the column marked “Retention (Yrs.)”?

This means that you do not need to wait for a certain number of months or years AFTER the records series has reached the “trigger” for retention before you destroy the records.

For instance, “3 years after fiscal year created or received” means that you reach the end of the fiscal year, and then you must keep the records for 3 years after that time.

“ – after reference value served” means that once the records have no further reference value, then they can be destroyed without having to wait an additional period of time.

34. What is a General Retention Schedule?

General Retention Schedules are comprised of record series that are common to all State and Local Agencies, and ensure consistent and standardized retention periods across all public bodies in Arizona. General Schedules supersede all existing custom schedules with the following exception: the custom schedule retention period is longer than the general schedule retention period.

General Schedules exist for the following seven types of Public Bodies in Arizona:

- Community Colleges and Districts, and Higher Education
- Counties
- Fire Districts
- Municipalities
- School Districts and Charter Schools
- Special Districts (such as Lighting Districts, Irrigation Districts, Library Districts, etc.)
- State Agencies, Boards & Commissions

Here is the link to our General Retention Schedules for all State and Local Agencies:

<http://apps.azlibrary.gov/records/general.aspx>

Once you get to that page, you will need to select your Agency (public body) type from the drop-down menu that says, *View general schedules by public body*. You will see the following options: Counties, Education K-12, Fire Districts, Higher Education, Municipalities, Special Districts, and State Agencies, Boards and Commissions. Once you select your public body type, then you see a list of all the General Retention Schedules that apply to your public body.

35. What is a Custom Retention Schedule?

Custom Retention Schedules are only permitted in cases where the public body is creating records series that are truly unique to one State or Local Agency. The L.A.P.R. continues to move toward creating General Retention Schedules that are all inclusive, with the goal of eliminating most of the Custom Retention Schedules currently in use.

At this point, only Custom Retention Schedules for State Agencies are on-line. You will find them at the following link:

<http://apps.azlibrary.gov/records/schedules.aspx>

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36. Do I need to have a Custom Retention Schedule?

There will be very few instances when a Custom Retention Schedule will be needed. If you find you have records that are not located on an existing General Retention Schedule, or existing Custom Retention Schedule, please contact the L.A.P.R.. We will do our best to add these records to an existing General Retention Schedule, whenever possible.

37. What is a Records Series?

A Records Series is a group of like records that are filed together and treated as a unit for records management purposes. A records series may consist of many separate files, but it is treated as a single unit for all purposes relating to records retention. A familiar example is “personnel files” one of which exists for every employee in the organization. Even though there may be hundreds or thousands of these files, they are referred to as a records series – “personnel files” - for records retention purposes

38. What is a Retention Period?

The Retention Period is the approved, legal, minimum amount of time each specific records series shall be kept. It is illegal to keep a records series for LESS than the retention period required on an approved Retention Schedule.

39. I am trying to locate a particular records series or retention period. Where do I look to find this information?

If you are looking for a specific type of record, and you don't know where to find it on the General Retention Schedules (GRS), there is hope. We have scanned all of the General Retention Schedules into one jumbo PDF, converted that PDF into OCR, so it is now one fully searchable file of all General Retention Schedules for All Public Bodies.

How will this help, you ask? If you are looking for “permit” records, you can pull up the OCR-PDF file, search for the word “permit” and find all of the records series with that word. If you are looking for “attendance” records, one search will pull up all the GRS with records series related to “attendance”. This will make it easier for you to locate records in which you know one or two words of the records series, but do not know on which of the General Records Retention Schedule those records reside.

Here is a link to the fully searchable PDF file of all General Retention Schedules:

<http://www.azlibrary.gov/sites/azlibrary.gov/files/arm-all-general-schedules-10-09-2014.pdf>

It might take a moment or two to load because it contains over 200 pages. Once the file pulls up, all you need to do is right click on the file, and you will see a dialogue box. Choose “Find” from the options, and this will pull up a box where you can type in the word you are looking for, click “Next” and you will be able to search through all the General Retention Schedules containing a records series that matches your search.

As we update or create new General Retention Schedules, we will be updating this particular PDF so it is always a “one-stop” source of all the General Retention Schedules. If you have any questions or comments, please feel free to contact me and I will be happy to help.

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40. We are getting a new phone system and this system gives departments the option to record calls. What is the retention of recording a phone conversation?

Retaining recorded phone calls is going to be very difficult. The retention for phone call recordings is the same as email – the content of the conversation is going to determine IF the recording is a record, what type of record the recording will best fit, and the required retention for the recording.

As with many conversations, the phone call may cover several different topics. Someone will need to determine the contents of each call, what type of records series the content best fits, there may be 2 or more different records series involved in the content, and then you will need to retain for the longest retention period.

For instance, one single phone call may involve the following different topics: Time and Leave, FMLA, Bereavement time off, and budgeting. You would have to determine which of these topics had the longest retention period and retain the recorded phone call for the longest retention period of the four topics.

Safety Data Sheets (SDS) – formerly known as Material Safety Data Sheets (MSDS)

41. How long are we required to keep SDS (Safety Data Sheets)?

The only records series we have for SDS is located on the Human Resources / Personnel General Retention Schedule. Based upon this Retention Schedule, the records are needed to prove which chemicals were on hand, if there is ever a problem with a reported exposure to chemicals. I know that SDS have to be posted in many places, but someone at your Public Body must be retaining the SDS for 30 years after the last time the chemicals were in the workplace.

42. What is the purpose of the SDS?

The required use of SDS is mandated in the Code of Federal Regulations, 29 CFR 1910.1200(g). In the event of an exposure, the SDS will prove which chemicals were on-hand at the time of the exposure incident. For our purposes here, we are looking specifically at the retention period for SDS, and how SDS are used from a records management perspective.

Medical and Exposure Records have a very lengthy retention period:

11. Employee Medical and Exposure Records

(including lists of hazardous materials exposed to, blood-borne exposure records, hepatitis B (HBV) and Human Immunodeficiency Virus (HIV) exposure reports and waivers, pre-employment physicals, results of exams, medical opinions, diagnoses, employee medical complaints and other related records) *These records must be filed separately from the employee personnel file...**30 years after employee terminated.**

34. Occupational Safety and Health Records

a. Material Safety Data Sheets (MSDS)... **30 After substance last received in workplace**

FREQUENTLY ASKED QUESTIONS (FAQ) GENERAL RECORDS MANAGEMENT

43. Do the SDS need to be retained by our Human Resources Department?

The records series is in the HR Retention Schedule, but that does not mean they need to be retained in your HR Department. The SDS just need to be retained and available somewhere in your public body, and for the required retention period. Each public body needs to determine who the official keeper(s) of the SDS records are, from a records management perspective. After the official SDS “keeper” is identified and documented, I would consider all other SDS to be copies, with a useful retention of, “until superseded”.

44. Do the SDS serve other purposes?

Federal OSHA revised the Hazard Communication Standard, 29 CFR 1910.1200(g), in 2012, and MSDSs are now called “Safety Data Sheets.” Also, OSHA requires that employers ensure that the SDSs are readily accessible to all employees for all hazardous chemicals in their workplace. It may depend on the specific facts and circumstances but it is possible that maintaining SDSs just in an HR department may not comply with the OSHA requirements (which have the force of law).

To assist employers with OSHA compliance requirements, State Agencies, Boards and Commission employers may obtain free safety consultation services from the Arizona Division of Occupational Safety and Health. For both State and Local Agencies, information regarding SDS services can be obtained from the Industrial Commission’s website, www.azica.gov

Third Party Vendors and Records

45. Our Municipality does not handle a certain line of business. Instead, we outsource that business to a third-party vendor. Since the records are being created or housed by our vendor, we believe the records “belong” to the vendor and are their responsibility.

If you have a vendor providing certain services, and records are either being made, received or housed by your vendor, the records still belong to public body. So, either the Public Body needs to retain these records for this period of time, or your vendor needs to retain these records for this period of time on your behalf. Either way, the records would still have the same retention period and still be considered “public records” of your Public Body.

Training in Records Management

46. Does the L.A.P.R. offer training on records management?

Yes, we do. We offer trainings, both in-person and on-line, for a variety of topics related to records management.

Here is a link to our Training page:

<http://www.azlibrary.gov/arm/programs-training-and-presentations/classes>

Here is a link to the page where you can register for upcoming trainings:

<http://www.azlibrary.gov/events/arm>