Testimony RE: H.585 (An Act Related to Records Management)

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As requested by Rep. Weed, a general overview of record schedules governing the life cycle management, retention and disposition of public records as issued by the Vermont State Archives and Records Administration and approved by the State Archivist is provided below.

Each record schedule is developed through a formalized appraisal process in collaboration with the public agency (or public agencies) that produce and/or acquire the records listed on the schedule during the regular course of business.

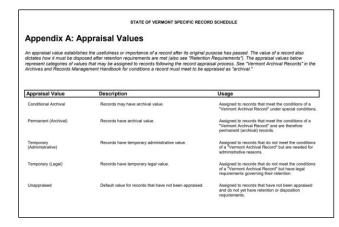
Record Schedules: Standard Features and Standard Terminology with Definitions

Appraisal related data are gathered, analyzed, and reported through a system called the Vermont Functional Classification System or VCLAS. While there are many different datasets and reports provided through VCLAS, these are examples of the published report version of Vermont record schedules (as issued).



<u>Title page</u> identifies the public agency issued the schedule and statements of:

- 1. Authority
- 2. Scope
- 3. Use
- 4. Exemptions
- 5. Retention
- 6. (Schedule) Adoption



<u>Appraisal Values</u> are listed in Appendix A. Public records are appraised as one of the following:

- 1. Conditional Archival
- 2. Permanent (Archival)
- 3. Temporary (Administrative)
- 4. Temporary (Legal)

STATE OF VERMONT SPECIFIC RECORD SCHEDULE

A public access requirement is the availability of a record for public use and inspection pursuant to 1 V.S.A. § 3.15-320. Unless evempt from public inspection and copying pursuant to 1 V.S.A. § 3.17-320. Unless evempt from public inspection and copying pursuant to 1 V.S.A. § 3.17. monots are expected to be promptly produced for public inspection upon request. Public agencies shall follow the procedure cultified in 1 V.S.A. § 3.17. monots are expected to be promptly produced for public inspection upon request. Public agencies shall follow the procedure cultified in 1 V.S.A. § 3.17. access requirements below represent actions agencies must take based on appecting laws associated with the accessibility of their records are exempt from public use and inspection pursuant to 1 V.S.A. § 3.17. Agencies using general records schedules shall end be provided for free and open examination pursuant to 1 V.S.A. § 3.15.320. Access Description Usage Exempt Records shall not be provided for free and open examination pursuant to 1 V.S.A. § 3.15.320. General Records may be provided for free and open examination pursuant to 1 V.S.A. § 3.15.320. Reduct Records crutain specific information that shall not be provided for free and open examination pursuant to 1 V.S.A. § 3.15.320. Reduct Records may be provided for free and open examination pursuant to 1 V.S.A. § 3.15.320. Review Records may be provided for fee and open examination pursuant to 1 V.S.A. § 3.15.320. Assigned to records that are not exempt from public inspection and copying pursuant to 1 V.S.A. § 3.15.320. Assigned to records that are not exempt from public inspection and copying pursuant to 1 V.S.A. § 3.15.320. Assigned to records that creating reporting the provided for fee and open examination pursuant to 1 V.S.A. § 3.15.320. Assigned to records that creating reporting the provided for fee and open examination pursuant to 1 V.S.A. § 3.15.320. Assigned to records that creating reporting the provided for fee and open examination pursuant to 1 V.S.A. § 3.15.32

<u>Public Access Requirements</u> are listed in Appendix B. Public records are classified as one of the following:

- 1. Exempt
- 2. General
- 3. Redact
- 4. Review

appendix o. I	Retention Requirements	
Archives or an agency arch	the length of time a record must be retained by an agency before inves (also see "Disposition Requirements"). The retention require in an active to inactive state. An "event" is tied to a specific time re	ments below represent events or triggers that
Retention	Description	Usage
Audit Complete	Retain until an audit or verification is complete.	Assigned to records that are actively used or needed until the information contained therein has been audited or verified.
Calendar Year Ends	Retain until the end of the calendar year.	Assigned to records that are actively used or needed until the end of the calendar year.
Completed/Closed	Retain until the activity or process supported by the record is completed.	Assigned to records that are actively used or needed until the activity is formally completed, closed, or finalized (includes appeals).
Expired	Retain until the conditions or requirements supported by the record are satisfied and no further action is needed.	Assigned to records that are actively used or needed until the conditions or requirements are satisfied and complete.
Fiscal Year Ends	Retain until the end of the fiscal year.	Assigned to records that are actively used or needed until the end of the fiscal year.
Life of Asset Ends	Retain for the life of the person, structure, object, organization, etc. that is the subject of the record.	Assigned to records that are actively used or needed for the life of person, structure, object, organization, etc.
Obsolete	Retain until the record is no longer needed and is valueless.	Assigned to records that have limited administrative value and may be purged when they no longer have any administrative value. Agency must develop internal policy that states when records no longer have administrative value.
Superseded	Retain until the record is superseded, updated, or revised.	Assigned to records that will be superseded, updated, or revised.

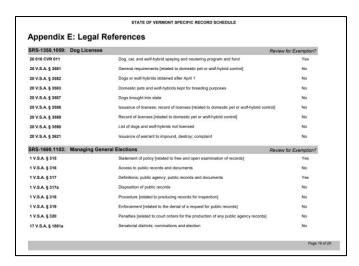
<u>Retention Requirements</u> are listed in Appendix C. Public records move from active to inactive status based on one of the following:

- 1. Audit Complete
- 2. Calendar Year Ends
- 3. Completed/Closed
- 4. Expired
- 5. Fiscal Year Ends
- 6. Life of Asset Ends
- 7. Obsolete
- 8. Superseded

Disposition is based on the equirements are met. If a preservation and access.	is how an agency must dispose of a record from its legal custody of e record's appraisal value. If the record has been appraised as nor oppraised as archival the record will be transferred to the State Arct The disposition requirements below represent actions that an agen	n-archival it will be destroyed after retention hives or agency archives for permanent
equirements. Disposition	Description	Usage
Archives	Retain permanently. These records are eligible for transfer to the State Archives or agency archives.	Assigned to records that have been appraised as having archival value and are therefore permanent records.
Confirm	Confirm disposition with the Vermont State Archives and Records Administration after retention requirement has been met.	Assigned to records that are maintained in a centralized database or information system or are appraised as conditional archival.
Destroy (General)	Destroy by recycling or deleting the record.	Assigned to records that have been appraised as non-archival and are not exempt from public access. Agency discretion advised for general record schedules.
Destroy (Shred)	Destroy by shredding (includes electronic shredding).	Assigned to records that have been appraised as non-archival and are exempt from public access or contain sensitive information.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.
Weed	Separate records that meet the conditions of a "Vermont Archival Record" from those that do not (temporary).	Assigned to records that have been appraised as conditional archival. Upon weeding the temporary records from the archival records, transfer archival records to Archives and destroy temporary records.

<u>Disposition Requirements</u> are listed in Appendix D. Based on appraisal value and legal requirements, the disposition of public records is one of the following:

- 1. Archives
- 2. Confirm
- 3. Destroy (General)
- 4. Destroy (Shred)
- 5. Weed



Legal References are listed in Appendix E. All legal recordkeeping requirements associated with the public records listed in the schedule are cited here and include:

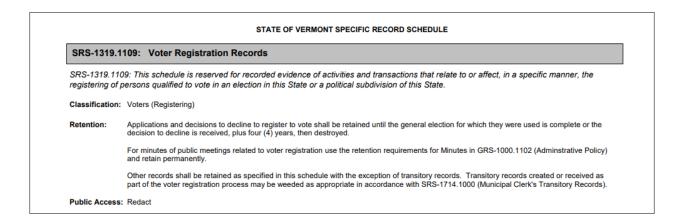
- . Vermont Statutes Annotated
- 2. Code of Vermont Rules
- Vermont Court Rules Annotated
- 4. Executive Orders
- 5. Court Administrative Orders
- 6. Administrative Bulletins
- 7. Code of Federal Regulations
- 8. United State Code
- 9. OMB Circulars

Record Schedules: Life Cycle Management, Retention and Disposition

All schedules are based on the business functions assigned in statutes to specific public agencies. The beginning of each schedule provides: (1) scope; (2) classification (critical for electronic records management); (3) retention summary; and (4) public access.

The scope of the schedule below is the public agency business function of: registering voters.

- <u>Voter</u>: Defined in 17 V.S.A. § 2103 as an individual who is "qualified to vote in an election in this state or a political subdivision of this state."
- <u>Registering</u>: Defined in the American Heritage Dictionary of the English Language, 4th
 edition, published by Houghton Mifflin Company as "tasks associated with the formal or
 official recording of items, names, or actions."



Below the scope, every category/type of record produced or acquired in the course of agency business is listed with their specific recordkeeping requirements is listed. Each Record Category/Type contains the following recordkeeping information:

- 1. Standard term for Record Category/Type (critical for electronic records management)
- 2. Applicability and Use (within the context of the business function, e.g. registering voters)
- 3. Appraised Value
- 4. Retention Requirement (plus amount of time record must be retained before being disposed)
- 5. <u>Disposition Requirement</u>
- 6. Public Access Requirement

Record Category/Type:	Applicability/Use:	Appraised Value:	Retention/Disposition
SRS-1319.1109.8	Use for completed voter registration applications and oaths or	Temporary (Legal)	RETAIN UNTIL: Completed/Close
Applications	affirmations. Includes written notices of intent to apply and applications submitted by or through the Department of Motor Vehicles or voter registration agencies on which individuals declined to register.		PLUS: 4 Year
Public Access: Exempt			THEN: Destroy (Shre
SRS-1319.1109.133	Use for written decisions related to voter registration. Includes town clerk's and the Board of Civil Authority's voter renewal	Temporary (Legal)	RETAIN UNTIL: Completed/Close
Decisions	decisions. For decisions on voter registration that are in formal		PLUS: 2 Year
Public Access: General	written minutes of the Board of Civil Authority, use the retention requirements for Minutes in GRS-1000.1102 (Administrative Policy Records).		THEN: Destroy (Gener
SRS-1319.1109.50	Use for evidence of official written notices or warnings. Includes	Temporary (Legal)	RETAIN UNTIL: Completed/Close
Notices, Legal	proof of challenge letters, certificates of service and certified		PLUS: 4 Year
Notices, Legal Public Access: General	mail receipts.		PLUS: 4 THEN: Destroy (G

All legal recordkeeping requirements are fully documented and available in VCLAS.

Applications, within the context of **registering voters**, has more than 20 legal recordkeeping requirements that were reviewed under the formal appraisal process and are now associated with this record schedule.

qryInventory			
rtTerm	ST	stDescriptor	lgNotes
Applications		registration form]	"(b) Additional information required by the Act. (42 U.S.C. 1973gg-7(b) (2) and (4)). The form shall also: (6) State that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and (7) State that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes."

	qryInventory			
rtTerm	ST	stDescriptor	lgNotes	
Applications	17 V.S.A. § 2124	Voter's oath or affirmation; how administered	"(c) At a minimum, the town clerk shall keep the completed applications for addition to the checklist, or an electronic copy thereof, through the end of the general election cycle that follows the one in which the application was received. The town clerk shall verify, upon request, that a voter has been given the oath or affirmation."	
Applications	17 V.S.A. § 2144a	Registration [related to persons eligible to vote]	"(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver's license or nondriver identification card as provided in section 2145a of this chapter. (2) By completing a voter registration application at a voter registration agency. (3) By delivering, during regular hours, or mailing a completed application form to the office of the clerk of the town in which the applicant claims to be a resident. (4) By completing a voter registration application and delivering it to the presiding officer before the close of the polls at the polling place of the town in which the person seeks to register."	
Applications	17 V.S.A. § 2144b	Additions to checklist by town clerk	" (a) (1) A town clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter"	
Applications	17 V.S.A. § 2145	Application forms	"(a) The voter registration application shall be in the form approved by the federal election commission or by the secretary of state. The application form approved by the secretary shall include"	
Etc				

All schedules are published online: https://www.sec.state.vt.us/archives-records/records-management/records-retention.aspx

Legal recordkeeping requirements (by public agency and regardless of schedule) are also online: https://www.sec.state.vt.us/archives-records/records-management/legal-requirements/recordkeeping-database.aspx