

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).

STATE OF VERMONT SPECIFIC RECORD SCHEDULE		Vermont State Archives and Records Administration
Issued for: Municipal Clerk, Office of		Vermont Office of the Secretary of State
Last Revised: 12/12/2017		
AGENCY SPECIFIC RECORD SCHEDULE FOR: Municipal Clerk, Office of		
Authority:	A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule approved by the state archivist pursuant to subdivision 117(a)(5) of Title 3, (1 V.S.A. § 317a)	
Scope:	This agency specific record schedule is applicable only to the records listed on this record schedule that are produced or acquired during the course of agency business. Records are any written or recorded information, regardless of physical form or characteristics, and includes electronic or digital records and data. (1 V.S.A. § 317)	
Use:	This is an agency specific record schedule (SRS). The agency (Municipal Clerk, Office of) may develop its own internal policies and procedures to assure that the requirements outlined in this record schedule are being applied across the agency. For records required to be retained until OBSOLETE, an internal policy clearly stating specific retention requirements that best meet the agency's administrative needs is highly advised. Specific Record Schedule (SRS) numbers shall be cited in all internal policies to demonstrate compliance with 1 V.S.A. § 317a.	
Exemptions:	It is the policy of Title 1, Chapter 5, Subchapter 3 of Vermont Statutes Annotated to provide for free and open examination of records consistent with Chapter 1, Article 6 of the Vermont Constitution. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Some records listed on this record schedule may be exempt from public inspection and copying for this reason. Security measures to protect records and information from unauthorized access, use, and disclosure are necessary if the records are exempt pursuant to 1 V.S.A. §§ 315-320. Please see Appendix B for Access Requirements and Appendix E for related legal references regarding exemptions from public inspection and copying.	
Retention:	This agency specific record schedule reflects the retention and disposition requirements for the following records regardless of their media, format, or mode of transmission. Duplicate records within the same agency that are used for specific legal, fiscal, or administrative purposes may be either retained using the retention requirement listed in this schedule or in accordance to an internal policy. Any copies of records made only for convenience of reference or informational purposes may be discarded when no longer needed unless otherwise directed through an internal policy. Within the same agency, duplicates or copies of records shall not be retained longer than the original records.	
Adoption:	This agency specific record schedule is in effect for the agency (Municipal Clerk, Office of) at the time the incumbent takes office and includes any records created or produced as part of the transition into his or her role as an elective or appointive official. If, at any time, this agency specific record schedule does not address all the records created or produced in the course of agency business or the requirements related to the following records have changed, this schedule will need to be revised accordingly by the Vermont State Archives and Records Administration.	
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Title page identifies the public agency issued the schedule and statements of:

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

STATE OF VERMONT SPECIFIC RECORD SCHEDULE		
Appendix A: Appraisal Values		
<i>An appraisal value establishes the usefulness or importance of a record after its original purpose has passed. The value of a record also dictates how it must be disposed after retention requirements are met (also see "Retention Requirements"). The appraisal values below represent categories of values that may be assigned to records following the record appraisal process. See "Vermont Archival Records" in the Archives and Records Management Handbook for conditions a record must meet to be appraised as "archival."</i>		
Appraisal Value	Description	Usage
Conditional Archival	Records may have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" under special conditions.
Permanent (Archival)	Records have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" and are therefore permanent (archival) records.
Temporary (Administrative)	Records have temporary administrative value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but are needed for administrative reasons.
Temporary (Legal)	Records have temporary legal value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but have legal requirements governing their retention.
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.

Appraisal Values 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

Appendix B: Public Access Requirements

A public access requirement is the availability of a record for public use and inspection pursuant to 1 V.S.A. §§ 315-320. Unless exempt from public inspection and copying pursuant to 1 V.S.A. § 317, records are expected to be promptly produced for public inspection upon request. Public agencies shall follow the procedure outlined in 1 V.S.A. § 318. The access requirements below represent actions agencies must take based on specific laws associated with the accessibility of their records. With general record schedules, the default requirement is always REVIEW unless it is clear that certain records or information within a record are exempt from public use and inspection pursuant to 1 V.S.A. § 317. Agencies using general record schedules should defer to their internal policies for specific access requirements.

Access	Description	Usage
Exempt	Records shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are wholly exempt from public use and inspection pursuant to 1 V.S.A. § 317.
General	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are not exempt from public inspection and copying pursuant to 1 V.S.A. § 317.
Redact	Records contain specific information that shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that contain specific information that is exempt from public inspection and copying pursuant to 1 V.S.A. § 317 and require exempt information to be redacted from the records prior to public use, inspection and/or copying.
Review	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320 but not always. Default value for general schedules, which require agencies to establish internal policies.	Assigned to records that are generally not exempt from public inspection and copying pursuant to 1 V.S.A. § 317 but, in limited circumstances, may be exempt. Internal review and/or policy is required.

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

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

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Appendix C: Retention Requirements

A retention requirement is the length of time a record must be retained by an agency before it may be destroyed or transferred to the State Archives or an agency archives (also see "Disposition Requirements"). The retention requirements below represent events or triggers that cause records to move from an active to inactive state. An "event" is tied to a specific time requirement: i.e. Retain Until "Calendar Year Ends" PLUS 3 years.

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.

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Retention Requirements 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

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Appendix D: Disposition Requirements

A disposition requirement is how an agency must dispose of a record from its legal custody once retention requirements have been met. Disposition is based on the record's appraisal value. If the record has been appraised as non-archival it will be destroyed after retention requirements are met. If appraised as archival the record will be transferred to the State Archives or agency archives for permanent preservation and access. The disposition requirements below represent actions that an agency must take once a record has met its retention requirements.

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.

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Disposition Requirements 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

STATE OF VERMONT SPECIFIC RECORD SCHEDULE		
Appendix E: Legal References		
SRS-1350.1059: Dog Licenses		
		<i>Review for Exemption?</i>
20 010 CVR 011	Dog, cat, and wolf-hybrid spaying and neutering program and fund	Yes
20 V.S.A. § 3581	General requirements [related to domestic pet or wolf-hybrid control]	No
20 V.S.A. § 3582	Dogs or wolf-hybrids obtained after April 1	No
20 V.S.A. § 3583	Domestic pets and wolf-hybrids kept for breeding purposes	No
20 V.S.A. § 3587	Dogs brought into state	No
20 V.S.A. § 3588	Issuance of licenses; record of licenses [related to domestic pet or wolf-hybrid control]	No
20 V.S.A. § 3589	Record of licenses [related to domestic pet or wolf-hybrid control]	No
20 V.S.A. § 3590	List of dogs and wolf-hybrids not licensed	No
20 V.S.A. § 3621	Issuance of warrant to impound, destroy, complaint	No
SRS-1690.1103: Managing General Elections		
		<i>Review for Exemption?</i>
1 V.S.A. § 315	Statement of policy [related to free and open examination of records]	Yes
1 V.S.A. § 316	Access to public records and documents	No
1 V.S.A. § 317	Definitions; public agency; public records and documents	Yes
1 V.S.A. § 317a	Disposition of public records	No
1 V.S.A. § 318	Procedure [related to producing records for inspection]	No
1 V.S.A. § 319	Enforcement [related to the denial of a request for public records]	No
1 V.S.A. § 320	Penalties [related to court orders for the production of any public agency records]	No
17 V.S.A. § 1881a	Senatorial districts, nominations and election	No
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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:

1. Vermont Statutes Annotated
2. Code of Vermont Rules
3. 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.

- **Voter:** 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.”
- **Registering:** 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.”

STATE OF VERMONT SPECIFIC RECORD SCHEDULE	
SRS-1319.1109: Voter Registration Records	
<i>SRS-1319.1109: This schedule is reserved for recorded evidence of activities and transactions that relate to or affect, in a specific manner, the registering of persons qualified to vote in an election in this State or a political subdivision of this State.</i>	
Classification:	Voters (Registering)
Retention:	Applications and decisions to decline to register to vote shall be retained until the general election for which they were used is complete or the decision to decline is received, plus four (4) years, then destroyed. For minutes of public meetings related to voter registration use the retention requirements for Minutes in GRS-1000.1102 (Administrative Policy) and retain permanently. Other records shall be retained as specified in this schedule with the exception of transitory records. Transitory records created or received as part of the voter registration process may be weeded as appropriate in accordance with SRS-1714.1000 (Municipal Clerk's Transitory Records).
Public Access:	Redact

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. [Disposition Requirement](#)
6. [Public Access Requirement](#)

SPECIFIC RECORDKEEPING REQUIREMENTS for SRS-1319.1109 (see APPENDIX E for related legal references)			
Record Category/Type:	Applicability/Use:	Appraised Value:	Retention/Disposition:
SRS-1319.1109.8 Applications Public Access: Exempt	Use for completed voter registration applications and oaths or 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.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 4 Year(s) THEN: Destroy (Shred)
SRS-1319.1109.133 Decisions Public Access: General	Use for written decisions related to voter registration. Includes town clerk's and the Board of Civil Authority's voter renewal decisions. For decisions on voter registration that are in formal written minutes of the Board of Civil Authority, use the retention requirements for Minutes in GRS-1000.1102 (Administrative Policy Records).	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 2 Year(s) THEN: Destroy (General)
SRS-1319.1109.50 Notices, Legal Public Access: General	Use for evidence of official written notices or warnings. Includes proof of challenge letters, certificates of service and certified mail receipts.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 4 Year(s) THEN: Destroy (General)

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	11 CFR 9428.4	Contents [related to national mail voter 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>