

Sample Electronic Records Management Policy

Section 1: Authority

(Agency Name) is specifically empowered to adopt rules for the creation, protection, maintenance, and storage of electronic state records. In addition, this agency will adopt other rules it determines as necessary for cost reduction and efficiency of record keeping by state agencies, and for the state's management preservation of records. This policy is under the authority of Texas Government Code §§441.189(a), 441.190, and 441.199.

Section 2: Purpose and Scope

Purpose The purpose of this policy is to outline a set of established requirements for the responsible management of electronic records as part of the overall records management program.

Scope It is the responsibility of all employees who create, receive and maintain public records to ensure their safekeeping and availability to the public. This set of records policy standards applies to all electronic records and information systems created and managed within this agency.

Section 3: Records Custodian Responsibilities

Each person in charge of a department is the custodian of the records held by that department. Establishing and operating effective electronic records management systems and good business practices are best attained through a multidisciplinary approach. (Agency Name) shall make use of the necessary range of expertise available throughout the agency. Effective teams should include the following: records management officer, IT representative, business analysts, auditing representative, risk management representative, and legal expert.

Section 4: Information Systems used to manage Electronic Records

It is required that each department that utilize electronic information systems to manage data files address the following:

System Design

1. Incorporate disposition instructions for the data in the system's design.
2. Manual commands from agency personnel are required to approve disposition of identified records. This will help to unintentional disposition that is likely when systems rely solely on automated, age-based disposition of electronic records.

System Documentation

1. Develop and maintain up-to-date documentation about electronic records systems adequate to identify, retain, read, process, or migrate the records and ensure the timely, authorized final disposition of electronic state records. At a minimum, departments must include a narrative description of the system comprised of:
 - a. The physical and technical characteristics of the records, including a record layout that describes each field, including its name, size, starting or relative position, and a description of the form of the data, such as alphabetic, zoned decimal, or numeric, or a data dictionary, or equivalent information associated with a database management system, including a description of the relationship between data elements in databases
 - b. Any other technical information i.e. metadata needed to read or process the records.

Electronic Records Management Systems that maintain the official file copy of a record

Prior to being used to maintain official file copies, electronic records management systems should:

1. Support provisioning that allows all authorized users of the system to retrieve desired documents, such as an indexing or text search system
2. Enforce security to ensure the authenticity of the records in accordance with 1 TAC 202 regarding security programs.
3. Ensure that a standard interchange format is provided, when necessary, to permit the exchange of documents on electronic media between agency computers using different software/operating systems and the conversion or migration of documents on electronic media from one system to another.
4. Address disposition of documents in accordance with current policies and regulations, including the requirements for transferring archival records to the State Archives or another facility for the safekeeping of permanent records.
5. Maintain sufficient information to allow for identification of each document within a given electronic information system. At a minimum, this information should include: department of origin, file code, key words for retrieval, addressee, if any; signatory, author, date, authorized disposition, coded or otherwise, and, if necessary, security classification.
6. Link official file copies with related records on paper, microform, or other media as appropriate.

Website-Related Documents

Departments are advised that records created or posted to websites, including externally hosted websites, are subject to the same electronic records requirements as records created or maintained on internal, non-web-based electronic records management system. Therefore, public entities need to ensure:

1. Retention of technical documentation of the design, construction, and use of the website, including a general description of the site's purpose, descriptions of major features and sections, diagrams and descriptive lists of links, descriptions of data sources, sporadic screen dumps of major pages and electronic snapshots of web pages
2. Websites that offer users transactional opportunities must be able to retain and provide access to all data related to such transactions. Examples of transactional opportunities include internal online business applications.

Social Media Records

Departments that use social media should be aware should be aware that social media sites contain communications sent to or received by state employees that are subject to the same electronic requirements discussed throughout this policy.

Therefore, departments need to ensure procedures are executed to allow for:

1. Review of third party social media service provider's terms of service for its records retention practices.
2. Retention of a copy of the social media content in accordance with the agency's records retention schedule.

Desktop Documents

To ensure compliance with existing policies and procedures, departments need to ensure procedures are applied that mention the following unique aspects of records created or received through desktop applications such as Microsoft Office.

1. Ensure that word-processing, spreadsheet, presentation, task list, contact, calendar and other desktop documents are identified, maintained, and disposed of in accordance with the agency's records retention schedule.
2. Identify and capture desktop documents created and received by employees in remote locations or on external devices, such as in the field or employee home offices, portable devices, such as tablets, notebooks, laptops, personal digital assistants and portable storage devices.

Section 5: Electronic Mail Message Records

Agency Business conducted through electronic transmission is subject to the same disclosure, retention, and maintenance provisions as required by law.

To maintain compliance with existing regulations, departments need to address the following unique aspects of electronic mail:

Preservation of Transmission Data

1. The agency's records retention schedule requires that department retain specific information for each electronic mail message including:
 - a. The names of the sender and addressee(s), including addressees who are cc'd to an electronic mail message
 - b. The date of the message was sent
 - c. Message metadata
 - d. Any attachment to the electronic mail message must be preserved so the context of the message to be understood
 - e. Any other transmission data that is necessary to provide the context of the record
2. If an electronic mail system identifies users by codes or nicknames or identifies addressees only by the name of a distribution list, names on directories or distributions lists should be retained to ensure accurate identification of the sender and addressee(s) of messages that are records.
3. Provide instructions to electronic mail message users specifying when to request receipts or acknowledgements that indicate that a message has reached a recipient's mailbox that it has been opened for management purposes.

Additional Consideration for Proper maintenance of Electronic Mail Messages

1. Departments should develop procedures for the maintenance of electronic mail records in any management system, regardless of format, that accomplish the following:
 - a. Provide for the grouping of related records into classifications according to the nature of the business purposes.
 - b. Allow easy and timely retrieval of both individual records and files, or other groupings of related records
 - c. Know that draft documents circulated on electronic mail systems are considered to be records
 - d. Keep the records in an accessible format for their required retention period as specified on the agency's records retention schedule
 - e. Be easily obtained by agency employees, agents, or those properly authorized by the agency who have a business need for information in the system
 - f. Preserve all transmission and receipt data as stated above.
 - g. Allow the transfer of archival records to Texas State Library and Archives Commission (TSLAC).
2. Departments are prohibited from using any electronic mail system to store the copy of the electronic mail messages unless that system has all the features specified in this section.
3. Departments that maintain their electronic mail records in an electronic format in systems that are different from their electronic mail system must ensure that the electronic records management system does meet all the requirements in this section. Records may be retained in on offline electronic storage format, such as an optical disk or magnetic tape.
4. If the electronic mail system is not designed or sufficiently able to be a records management system, then training must be provided to the state employees on how to copy the records from the electronic mail system to a suitable records management system.

5. Archival electronic mail records scheduled for transfer to the State Archives must store the records in a format, and on a medium, that follows the transfer requirements or maintain the ability to convert the records to a required format and medium at the time transfer is scheduled.
6. Departments that are unable to maintain their electronic records in an electronic format and maintain paper files as their management system must print their electronic mail records and any related transmission and receipt data, except for those that they are permitted to delete in accordance with the agency's records retention schedule.
7. Everyone is responsible for maintaining their electronic mail records in accordance with the agency's records retention schedule.

Section 6: Security of Electronic Records

The focus of security measures below is to minimize unauthorized addition, modification, alteration, erasure, or deletion of data, records, and documents. These measures should ensure that only authorized personnel have access to records.

To ensure compliance with the existing compliance, departments must ensure procedures are implemented that achieve the following security goals:

1. Ensure that only authorized personnel have access to electronic records
2. Backup and recovery of records to protect against information loss
3. Personnel are trained in how to safeguard sensitive or classified electronic records
4. Minimized risk of unauthorized modification or deletion of electronic records
5. Ensure that electronic records security is included in overall information technology systems security plans.

Section 7: Selection and Maintenance of Electronic Records Storage Media

Departments need to ensure that storage devices and systems for storing any regulated records throughout the records retention life cycle, meet the following requirements:

1. Allow for easy retrieval in a timely fashion
2. Retain the records in an accessible format until their authorized disposition date in accordance with the agency's records retention schedule.
3. Documented procedures for the care and handling of Maintenance of direct access storage media.
4. If the media contains archival records and does not meet the requirements for transferring archival records to the State Archives, permit the migration of the archival records at the time of transfer to a medium, which does meet the requirements.

Section 8: Retention and Disposition of Electronic Records

If modifications to the current records retention schedule is needed, then the retention procedures should include the following provisions:

1. Scheduled disposition of all electronic records, as well as related documentation and indexes, by applying the current records retention schedule.
2. Scheduled transferring of copies of archival electronic records and any related documentation and indexes to the State Archives. Transfer may take place at an earlier date if convenient for both the agency and the State Archives.
3. Established procedures for required maintenance to ensure the retention and usage of electronic records throughout their authorized life cycle.
4. Electronic mail records may be deleted or otherwise disposed of without prior disposition authority from (*Agency Name*), unless the electronic mail record is scheduled as “administrative use” and the organizational value for retaining the record has not ended. Electronic mail records retained for “administrative use” may be disposed of without further permission once the administrative use of the record has ended.
5. Other records within the electronic mail system: When a department or office has taken the necessary steps to retain a record, whether electronic or paper, the identical version that remains on the user’s screen or inbox is no longer needed.
 - a. Deletion of the record is permitted after the record has been preserved in a records management system along with all associated transmission data.
 - b. The disposition of electronic mail records that have been transferred to the appropriate records management system is governed by the records disposition schedule. If the record or records in the records management system are not scheduled, the department must follow the proper procedures to schedule the record.
6. No electronic record should be disposed of if it is subject to a public record request or likely to be subject to a dispute, audit, investigation, or litigation, or subject to other legal retention requirements.

Additional Requirements prior to the Destruction of Electronic Records

All departments need to establish policies and procedures to ensure that electronic records and their documentation are destroyed only in accordance with applicable laws, as well as the agency’s records disposition schedule. At a minimum, each department should ensure that:

1. Electronic records are destroyed in accordance with the agency’s certified records retention schedule per Texas Government Code §441.185, or in lieu of being listed on state agency’s records retention schedule, a records disposition authorization request approved by the TSLAC’s director and librarian.
2. Ensure that an electronic record scheduled for disposition is disposed of in a manner that ensures protection of confidential information

3. Procedures are established and implemented, addressing the disposition of electronic records by staff in accordance with its certified records retention schedule as well as secure destruction requirements from the Department of Information Resources, including identifying and disposing of transitory information.

Section 9: Accessibility to Public Information for Persons with Disabilities

With some exceptions, Federal and State laws require that public documents must be accessible to persons with disabilities.

To comply with this existing requirement, departments need to address how public information will be made accessible to persons with disabilities.

1. Electronic records must be formatted in accordance with manufacturers' directions related to accessibility in a format that is verifiably accessible to persons to disabilities. The following is a non-exhaustive list of formats that are accessible to persons with disabilities when applied correctly:
 - a. .doc
 - b. .pdf
 - c. .html
 - d. .xml
 - e. .txt
 - f. .asci
2. In those special cases where preservation of the appearance of the original document is of legal or historic significance and it is not possible to both make the document accessible and preserve its original appearance, accessibility shall be accomplished by creation and retention of a second accessible document.

Signature of Agency Head

Date