

Establishing a Records Management Program

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-471

All cities need to have some system of checks and balances to be sure that records are disposed of on schedule but not destroyed when they still may be needed for administrative, legal or historical purposes.

Cities may want to create a municipal public records commission (PRC) to act as steward of their records. Unlike counties, cities are not required to have a public records commission oversee their records management and disposition. This commission could comprise the following city officials: mayor, city manager, city recorder, city archivist, city judge and a genealogist. This commission should be established by resolution. Of course, the composition of the commission is not mandatory, but cities should strive to choose members who know about the administrative, legal and historical value of the records.

Even a small city that may not be able to marshal a commission should adopt rules and regulations governing the management of the municipal public records. These regulations should establish standards and procedures covering:

- Reproduction of records;
- Security of records;
- Disposal of originals;
- Adoption and dissemination of schedules for the retention and disposition of records; and
- Physical destruction or other disposition of public records.

For cities that create a municipal public records commission and desire to become even more progressive, the State Library and Archives recommends the following list of activities and guidelines in one of its Tennessee Archives Management Advisories.[1] These activities and guidelines were drafted for both municipal and county records commissions and have been edited where necessary for these reasons.

The commission should:

1. Hold meetings at least twice a year or more often as circumstances require.
2. Elect its own officers (at least a chairman and a secretary).
3. Keep records of decisions and transactions.
4. Report at least once a year to the local executive and legislative body on commission activities and the state of records and archives management in the locality.
5. Frame regulations for efficient management of local government records and archives to be adopted as resolutions of the legislative body.
6. Authorize or disapprove requests from municipal offices to destroy original records, using records schedules prepared by MTAS for guidance.
 - Public records commissions may authorize retention of records that are not designated as permanent by MTAS schedules but only if the means to preserve and manage the records for public inspection are assured.
 - Public records commission may NOT authorize destruction of any records that are designated permanent by MTAS schedules unless the records have first been copied onto a durable, archival medium that assures permanent preservation and a readily available means for prompt public inspection.
7. Assure that authorizations for destruction of public records are forwarded to the Tennessee State Library and Archives (TSLA) for review within 90 days of the PRC authorization.
8. Follow-up to assure that
 - TSLA approval of the destruction has been received before records destruction takes place; or
 - If TSLA has deemed the records to be historically valuable, they are properly transferred to TSLA or to another repository designated by mutual agreement of the public records commission and TSLA.

9. Assure the executive and legislative body that actions taken by the commission and local government offices are in accordance with the T.C.A. and with pertinent local resolutions, including the complete destruction of public records that have been authorized for destruction.

10. Review and approve plans by local government offices for electronic imaging or data processing systems to assure that

- The system employed will protect and preserve records designated as permanent by MTAS schedules.
- A permanent, archival-standard microfilm of permanent records is produced, and the original camera-image film of any microfilm produced is sent to TSLA for quality control testing and storage in the vault of the state archives.

11. Advise and propose to the local government executive and legislative body the planning, development, site selection, establishment, funding, budget, regulation, and operation of a local central records office and archives

- For the management and reference servicing of inactive records awaiting final disposition, and
- For the management of permanent records for long-term preservation and public inspection.

12. Advise and recommend to the local government executive the appointment and removal of personnel, including an archivist as director, for the central records office and archives.

13. Review operations of the local government records office and archives to assure the local legislative body that it meets records management and archives management standards, and satisfies the need of the local government and its citizens.

14. Propose to the local government cooperative arrangements with other local governments or cultural institutions, such as libraries and universities, for storage, management, and public inspection of historically valuable records, including permanent public records of the local government.

15. Work with local government offices and with MTAS, TSLA, and the Records Management Division of the state Department of General Services to draft, review, revise and issue realistic records management schedules for local government records.

16. Review records-keeping practices in local government offices and recommend to the offices and to the local government executive and legislative body remedies to correct faults and improvements to deal with emerging information and records needs.

Lamination

Because lamination too often destroys the documents it is intended to preserve, the Tennessee State Library and Archives recommends that permanent records not be laminated but rather encapsulated in Mylar® sleeves.^[2]

Copying Charges

The Tennessee Attorney General has opined that while a government only has to make public records available to citizens for copying, if a government chooses to make copies of its records upon request it can charge a reasonable fee covering the cost of copying.^[3] T.C.A. § 10-7-503 confirms this and the Office of Open Records Counsel reviews and annually establishes a recommended fee schedule, including certain labor costs. See also T.C.A. § 10-7-702(b). While it is up to the city's governing body to decide how such revenue will be used, cities may want to consider "re-investing" them in equipment, supplies, or personnel expenses related to records management and records preservation. The Safe Harbor Schedule can be located at the Office of Open Records Counsel, currently at <http://www.comptroller.tn.gov/repository/OpenRecords/FormsSchedulePolic...> [1].

Disposing of Records

Even the best planned and operated records management program will fail miserably if it never gets rid of records. To find what you need and to preserve what you need to keep, you have to get everything else out of the way. That is where disposal comes in.

Checks and Balances

Disposing of municipal records is not as simple as hauling them out to the trash. Because these records can be of great importance to many people, there are a number of procedural checks and balances to go through to lawfully dispose of records, whether the disposition is by destruction or transfer of the records to another institution. For many records, the official who has custody of the record, the municipal public records commission (if there is one), the State Library and Archives, and, for court records, a judge, all need to be involved in determining the final disposition of the record.

[1] Tennessee Archives Management Advisory 99-015, pp.6-7.

[2] See Tennessee Archives Management Advisory 99-009.

[3] Op. Tenn. Atty Gen. No. 83-002 (January 3, 1983).

Links:

[1] <http://www.comptroller.tn.gov/repository/OpenRecords/FormsSchedulePoliciesGuidelines/20170119ScheduleofReasonableCharges.pdf>

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Source URL (retrieved on 07/19/2019 - 1:10pm): <http://www.mtas.tennessee.edu/reference/establishing-records-management-program>

