



DINWIDDIE COUNTY POLICIES AND PROCEDURES

Records Management

Effective July 1, 2016

POLICY

Dinwiddie County strives to adhere to the Virginia Public Records Act (VPRA) and the Code of Virginia § 42.1-76–§ 42.1-91 regarding management, retention, and disposition of Dinwiddie County records. This policy applies to all employees (including part-time and per diem) of Dinwiddie County.

Dinwiddie County is committed to effectively managing its records, regardless of media type, by adhering to best practices and following a systematic and logical plan developed by the departments that maintain the records. The successful implementation and ongoing effectiveness of this policy is dependent on the cooperation of each department to ensure that permanent records are preserved and nonpermanent records are destroyed in a timely and orderly manner.

DEFINITIONS

- A. Dinwiddie County:** Dinwiddie County Government offices and employees of the Dinwiddie County Government offices.
- B. Department:** A distinct, specialized division of Dinwiddie County Government.
- C. Certificate of Records Destruction (RM-3 Form):** Form required when destroying public records, in all formats, that are deemed copies of record.
- D. Confidential Records:** Public records that are restricted from disclosure by statute, court order, or legally adopted rules and regulations are considered confidential. Dinwiddie County records that are deemed confidential are still considered to be public records even though they are not publicly available.
- E. Copy of Record:** The “copy of record” shall be construed to mean the “official” copy of a particular public record, with no regard as to whether it is an original, copy, or reformatted version.
- F. Non-records:** Materials made or acquired and kept solely for reference or exhibition purposes, copies of records kept only for convenience or reference, and stocks of publications. (Code of Virginia § 42.1-77)
- G. Public Records:** Public records are those that document the transaction of business by Dinwiddie County Government. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record. (Code of Virginia § 42.1-77)
- H. Records Custodian:** The person responsible keeping records in the ordinary course of business.
- I. Records Management Program:** A program to implement Library of Virginia-approved records retention and disposition schedules, document destruction of scheduled records, train employees, and create and disseminate records management procedures.
- J. Records Retention and Disposition Schedule:** Schedules created and maintained by the Library of Virginia that dictate the length of time a series must be kept and its required disposition.

PROCEDURES

A. Responsibilities Under the Virginia Public Records Act (VPRA)

1. Dinwiddie County will implement a sound records management program in accordance with the Virginia Public Records Act (VPRA) § 42.1-85.
2. Dinwiddie County will designate at least one records officer to oversee the County's records management program in accordance with the Virginia Public Records Act (VPRA) § 42.1-85.

B. Public Records

1. All departments within the County shall work with the designated records officer to establish in writing the ownership and responsibility for public records.
2. Each department shall follow the retention and dispositions schedules related to the public records for which they are responsible.

C. Roles and Responsibilities

1. County Administrator or Designee

The County Administrator or his/her designee is responsible for establishing and approving the County records management program and identifying to the Library of Virginia the person(s) to serve as the designated records officer(s).

2. Department Heads

The heads of County departments are responsible for ensuring that procedures and programs within their areas of responsibility meet the requirements of the County's records management program relative to record identification, generation, control, maintenance, processing, storage, and disposition.

3. County-designated Records Officer

The County-designated Records Officer is designated to serve as a liaison(s) to the Library of Virginia for the purpose of implementing and overseeing a records management program, and coordinating legal disposition, including destruction of obsolete records in accordance with the Virginia Public Records Act (VPRA) § 42.1-76.

Responsibilities of the records officer include:

- 1) Developing procedures to implement the County's records management program in coordination with the Library of Virginia;
- 2) Providing training in records management procedures and practices, including the use of appropriate forms;
- 3) Implementing systems to meet program requirements for completeness, legibility, reproducibility, ability to retrieve, distribution, control, security, storage, and disposition of records, regardless of format or media type;
- 4) Advising staff members on where to access and how to use Library of Virginia-approved retention schedules;
- 5) Coordinating and/or assisting staff in the surveying of records;
- 6) Ensuring that essential, archival, and permanent records are identified, properly maintained, protected, and accessible for the length of time cited in an applicable retention schedule;
- 7) Maintaining contact and connections with County Records Coordinators.

4. Records Coordinators

The Records Coordinators will be designated personnel in each department who are responsible for assisting in the design, implementation, and management of the records management

program as well as serve as a liaison between their respective department and the County-designated Records Officer.

Responsibilities of a records coordinator include:

- 1) Being familiar with the County's internal records management policy;
- 2) Developing the department's records management procedures and practices, consistent with this policy;
- 3) Educating staff within the department in understanding sound record management practices;
- 4) Restricting access to confidential records and information;
- 5) Coordinating the destruction of records with the Records Officer as provided in the applicable procedures.

D. Records Retention and Disposition Schedules

All County records must be managed in accordance with the most current Library of Virginia-approved records retention and disposition schedules. Such schedules are created and maintained by the Library of Virginia that dictate the length of time a series must be kept and its required disposition

If a new category of records is created, and no applicable series is found on an existing retention schedule, then the County's designated Records Officer must contact the County's assigned Records Analyst at the Library of Virginia so that the records may be scheduled.

E. Electronic Records

Dinwiddie County will manage its electronically stored information (ESI) consistent with the Library of Virginia-approved records retention and disposition schedules and any legal obligations that may apply. The retention schedules govern retention of electronic records in the same manner as paper records. Content, not format, drives records retention.

The destruction of electronic records must be documented through submission of the Certificate of Records Destruction (RM-3 Form). (See section G of this policy.)

F. Disposition of Public Records

There are two options for public records disposition: permanent retention or destruction. Use the records retention and disposition schedules to determine whether a series is permanent or when it should be destroyed.

1. Permanent Records

Permanent records held by the County are identified on a Library of Virginia-approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth. The retention schedules will identify whether a record must be maintained by the County or may be offered to the Archives at the Library of Virginia. Permanent records of the County cannot be given away, sold, or loaned to any outside person, organization, or business entity.

County staff or departments in possession of permanent records that may be offered to the Library of Virginia must contact the County designated records officer when the records are no longer active. The records officer will contact the Library to begin the transfer process.

2. Non-permanent Records

All non-permanent records follow a retention and disposition schedule as provided by the Library of Virginia. The records retention and disposition schedules identify when a set of

records has reached the end of its usefulness. A retention schedule may also state whether records must be destroyed in a certain manner. Retention schedules constitute a legal timeline for the destruction of records from which the County must not deviate unless in the midst of a legal hold. (See section I of this policy.)

G. Destruction of Public Records

All records destruction performed by the County must be done in accordance with written procedures and documented on a Certificate of Records Destruction (RM-3 Form). The original RM-3 Form must be submitted to the Library of Virginia. The County must retain a copy of the RM-3 Form for three (3) years.

County records must be destroyed in the manner identified by the appropriate series on a general or specific records retention and disposition schedule. All County records must be destroyed once the applicable retention period has expired. No records may be maintained past the end of their stated retention unless involved in current litigation, investigation, or audit. (Code of Virginia § 42.1-86.1)

County records may not be destroyed because of lack of space or funding for storage. Do not report the destruction of materials that are not public records, such as copies, personal items, and reference materials on an RM-3 Form.

1. Non-Confidential Destruction

Destruction of non-confidential records must be done in a timely manner, construed by the Library of Virginia to be one (1) year from retention expiration. Acceptable methods of destruction for non-confidential records include trash, recycling, or deletion of electronic records.

2. Confidential Destruction

Destruction of confidential records containing personally identifying information must be done within six (6) months of retention expiration. (Code of Virginia § 42.1-86.1) Acceptable methods of destruction for confidential records include cross-cut shredding, pulping, incinerating, physical destruction of electronic storage media, “wiping” of electronic records with appropriate software, and degaussing of magnetic material

3. Non-record Destruction

Non-records are materials made or acquired and kept solely for reference or exhibition purposes, copies of records kept only for convenience or reference, and stocks of publications. (Code of Virginia § 42.1-77) Documentation of the destruction of non-records is not required by the Library of Virginia. If necessary, the destruction may be recorded for internal purposes at the department head’s discretion.

H. Deliver of Records to Successor

At the end of a records custodian’s term of office, appointment, or employment, all records should be turned over to his/her successor. In the event that the County ceases to exist and there is no successor, all records should be transferred to the Library of Virginia per the Code of Virginia § 42.1-88.

I. Storage, Retrieval, and Disaster Recovery

1. Storage

All County records shall be maintained in such a way that they are identifiable and accessible for the entirety of their assigned retention period.

All County records must be stored in areas with consistent temperatures and humidity levels. Ideal conditions are a temperature maintained in the 65–70° range and humidity maintained at 40% +/- 5%.

All County records must be:

- Protected from fire by the installation of smoke detectors, water sprinklers if possible, and fire extinguishers;
- Free of vermin and insects;
- As far as possible from water pipes.

If records are of a confidential nature, they should be stored in a secure area that is locked and has controlled access for select personnel only. Strict procedures must be in place for retrieval, use, and re-filing of confidential records. Access to confidential records in electronic formats will be limited by assigning appropriate log-in credentials.

2. Retrieval

All work units must have procedures in place for the retrieval of records, their use, and re-filing.

3. Disaster Recovery

The County will have in place a Records Emergency Action Plan (REAP) that clearly communicates the procedures for records recovery in the event of a natural disaster, fire, or other catastrophic event affecting the County.

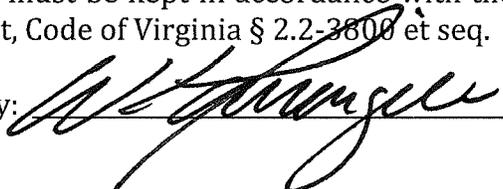
J. Legal Matters, Audits, and Investigations

Any County record that is relevant to pending or anticipated action, i.e., litigation, claim, audit, County charge, investigation, or enforcement action, shall be retained until final resolution of the matter. In these circumstances, the work unit involved with the ongoing action will notify all other relevant organizational units and work with staff to identify and retain any records (including electronic records) and other information that could be relevant to the matter. This will include a directive that the relevant work unit's normal document destruction procedures be suspended temporarily.

County employees who become aware that an action, investigation, or legal proceeding has commenced or is anticipated against their department or work unit must promptly notify the manager of the affected organizational unit, as well as the County-designated records officer, so that all records with potential relevance to the investigation or legal proceeding can be retained as necessary. After matter is closed, records should be maintained according to appropriate records series retention and disposition.

K. Data Privacy

All records created and maintained by the County that contain personal or other confidential information must be kept in accordance with the Government Data Collection and Dissemination Practices Act, Code of Virginia § 2.2-3800 et seq.

Approved by:  Date: 6.28.16