

APPENDIX F

FREQUENTLY ASKED QUESTIONS

Q: Because we have plenty of storage space, I'm having difficulty convincing others to participate in signing up for approval to destroy records according to the retention schedule. How do I, as town clerk, get them to move forward on this?

A: Contact the State Archivist and ask him for help dealing with those who do not want to participate. He can explain the advantages for adopting the manual and the potential issues that may arise should the community not have an approved records retention policy.

Q: What if we want to keep something longer than the manual specifies?

A: You may, but you place your community at risk of additional litigation costs should the municipality be sued in regard to a matter related to the records that are retained longer than legally needed. Once you become aware of possible litigation, it is too late to get rid of records that you should have destroyed previously since the rule is "if you still have them, they are discoverable."

Q: Do we need a local exception to keep something longer than the manual specifies?

A: A local exception must be approved for you to retain something for a shorter time period than the manual specifies and is not required to keep something longer than the specified retention period. However, it is important to document internally that the municipality's policy is for a longer retention period.

Q: What is the best method of destruction?

A: Refer to Appendix E of this manual for an overview of destruction options. The destruction method depends on the content of the records. Any information with personal identifiers (name, address, social security number or driver's license number, etc.) and any confidential or proprietary information must be rendered completely unreadable. For this reason, cross-cut shredding is preferred over strip shredding. Electronic records must be totally removed (not just "deleted") from any electronic storage media (CDs, PC hard drives, portable devices such as a PDA or Blackberry, etc.) before disposal of the media at auction or recycling.

Q: Why can we not burn records if they are approved for destruction?

A: You may if the burning is allowed in your part of the state. It is important to note that the records need to be totally obliterated if you use this method of destruction.

Q: If we use a commercial paper recycler to shred our records, how can we be sure they actually destroyed the records so that they are no longer legible?

A: Ask the recycler for a written statement of destruction that indicates your specific records were properly destroyed.

Q: If we adopt the retention schedule, will we continue to receive annual authorizations to destroy records from the State Archivist?

A: Annual authorizations and the attached pink records destruction certificate are sent only to those municipalities with individual records retention schedules and not to those municipalities that have adopted the Colorado Municipal Records Retention Schedule. You will need to establish an internal process to initiate and track records destruction.

APPENDIX F — FREQUENTLY ASKED QUESTIONS (Cont'd)

- Q: Do I have to document the records I destroy under authority of the retention schedule?**
- A: You do not need to report the records destruction to the State Archives as was the case with any individual retention schedule your municipality may have had in place in the past. However, it is recommended that you keep a record, such as a form or log, documenting records destruction dates, types of records destroyed, required internal authorizations, and approximate volume of records destroyed to demonstrate compliance with the records retention schedule and destruction of the records in the normal course of business.
- Q: How do I go about implementing the retention schedule?**
- A: In general, once your municipality adopts the retention schedule, it applies to all departments. Implementation may be different for each organization. However, the key is often ongoing communication, training and a clear assignment of responsibilities and authority. To get started, think about: (1) establishing internal processes and central controls to initiate, track, authorize and document records destruction; (2) monitoring compliance if you have a decentralized retention and destruction process; (3) establishing internal processes to inform the organization about annual revisions to the retention schedule; and (4) establishing an effective litigation hold process.
- Q: Does the retention schedule cover electronic records?**
- A: As stated in the introduction and at the beginning of each section, the retention schedule is media neutral and covers all records regardless of the storage format (paper, electronic, microfilm, etc.). Retention and destruction decisions must be based on the content of the records rather than the storage format.
- Q: Can other types of organizations adopt the Colorado Municipal Records Retention Schedule?**
- A: The retention schedule is specifically for Colorado municipalities. Other types of organizations may use it as an informational tool to help establish their own records retention schedules. Keep in mind that legal and practical requirements may be different for other types of organizations.
- Q: Can I destroy paper records after they are scanned?**
- A: The answer is "yes," with some conditions. Under the Colorado Uniform Electronic Transactions Act, electronic records are as good as paper records in court and as evidence of transactions. However, before you destroy the paper, you need to make sure that the electronic records will be readable and accessible for the entire retention period and that they will be accepted as authentic records in lieu of the originals. To do this, you must establish and follow a migration plan and craft and follow policies and procedures demonstrating that the electronic recordkeeping system preserves the integrity of records. The CMRRS applies to the record copy, whether it is in paper or electronic format. You must decide the appropriate format. See also Appendix G, Guidelines for Long-Term Preservation of Records.
- Q: What about retention of municipal records that are hosted by third-party providers?**
- A: This is an emerging issue for records managers. In general, you should ensure that the contract between the municipality and the third-party host covers (at a minimum): (1) how you will get the records back if the host goes out of business or the contract is terminated; (2) how the information is secured to prevent identity theft or breaches of privacy; (3) how information eligible for destruction under the Records Retention Schedule is to be removed; and (4) who has (and does not have) access to the records.
- Q: Where can I get more help with records management questions?**
- A: The 2010 Colorado Municipal Clerks Association (CMCA) publication titled *Managing Municipal Records in Colorado: A RIM-ERM Toolkit* is a good source of information. It is available through CMCA. (Contact information is listed on the CMCA website at www.cmca.gen.co.us.)