


Records Management  
and FOIA

 LIBRARY  
of VIRGINIA

Glenn T. Smith  
Records Management Analyst

---

---

---

---

---

---

---

---

How to simplify FOIA

1. Have a records management program as mandated by the Virginia Public Records Act (VPRA).
2. Store records in a safe and accessible location.
3. Destroy non-permanent records at the end of their retention period.

---

---

---

---

---

---

---

---

Virginia Public Records Act

- Designate a records officer
- Establish and maintain a records management program
- Destroy records and report to LVA

COV § 42.1-76 et seq.

---

---

---

---

---

---

---

---

### Why practice sound records management?

- Control the growth of records
- Safeguard vital information
- Improve efficiency and productivity
- Ensure business continuity and consistency
- Ensure regulatory compliance
- Support decision making
- Minimize litigation risks
- Preserve the corporate memory

---

---

---

---

---

---

---

---

### Records management is...



Managing information...



So that it may be efficiently accessed...



By the people who need it...



Without undue burden of time or cost.

---

---

---

---

---

---

---

---

### What is a public record?

... documents a transaction or activity ...

Regardless of physical form or characteristic ...

... is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business.

COV § 42.1-77

---

---

---

---

---

---

---

---

### Is my e-mail a public record?

"People view e-mail as personal, private communication . . . They are shocked to find out it is not their private property."



Lucy Dalglish, Reporters Committee for Freedom of the Press, *Richmond Times-Dispatch*, December 31, 2006

---

---

---

---

---

---

---

---

### Responsibility for electronic records

The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible . . .

. . . including converting and migrating electronic records as often as necessary so that information is not lost. . .

. . . ensure that [converted electronic record] is an accurate copy of the original record . . .

COV § 42.1-85

---

---

---

---

---

---

---

---

### Records storage

- Keep records in an area that is:
  - Locked with controlled access
  - Protected from fire by smoke detectors, water sprinklers, and fire extinguishers
  - Free of vermin and insects
  - Far from water pipes
  
- Make sure boxes are:
  - Sturdy and covered by a lid
  - At least 3 inches off the ground

---

---

---

---

---

---

---

---

## State Records Center (SRC)

- Store inactive, non-permanent records
- Services include:
  - Storage
  - Records retrieval
  - Disposal at end of retention period
- For more information call 804-236-3705.



---

---

---

---

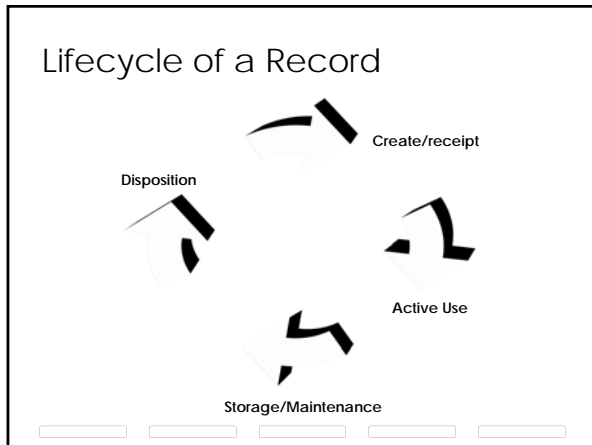
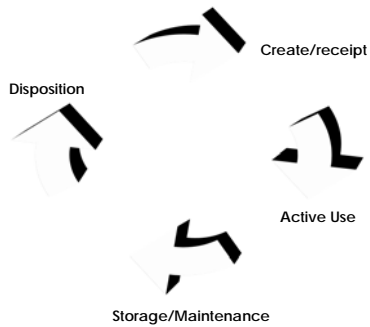
---

---

---

---

## Lifecycle of a Record



---

---

---

---

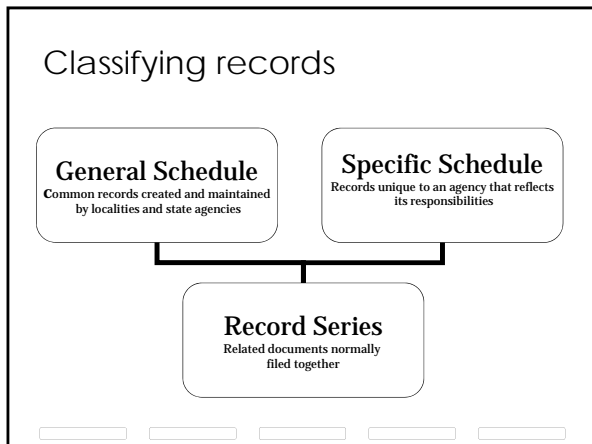
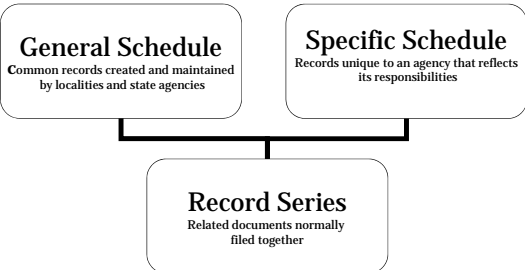
---

---

---

---

## Classifying records



---

---

---

---

---

---

---

---



## Timeframe for records destruction

Each agency shall ensure that records created after July 1, 2006 . . .

. . . are destroyed or discarded in a timely manner . . .

. . . such records that contain identifying information . . . shall be destroyed within six months . . .

COV § 42.1-86.1

---

---

---

---

---

---

---

---

---

---

## Documenting destruction

Complete

- Complete Certificate of Records Destruction (RM-3 Form)

Approve

- Approving official signs
- Records officer signs

Destroy

- Destroy records
- Affirmation of destruction on Line 9

Submit

- Mail original form to LVA
- Retain copy for 3 years

---

---

---

---

---

---

---

---

---

---

**LIBRARY OF VIRGINIA**  
Records Management Section  
800 E. Broad St., Richmond VA 23219  
(804) 692-3600

**CERTIFICATE OF RECORDS DESTRUCTION**  
(Form RM-3 January 2013)

This form documents the destruction of public records in accordance with the Virginia Public Records Act, §§ 42.1-76 through 42.1-81 of the Code of Virginia.

SUBMIT FILLABLE FORM WITH ORIGINAL SIGNATURES

1. Agency / Locality / Regional Entity Library of Virginia 800 E. Broad St., Richmond VA 23219-8000		2. Division / Department / Section Human Resources 804-555-1234		3. Person Completing Form Eric D. Pflizer eric.pflizer@lva.virginia.gov	
---	--	---	--	---	--

a) Schedule and Records Series Number	b) Records Series Title	c) Date Range (m/y)	d) Location	e) Volume	f) Destruction Method
GS-103, 012186	Hiring Records	1/2009 - 12/2009	locked file	4.5 cf	Shred
GS-103, 100493	Pay Classification Records	1/2007 - 12/2007	locked file	.5 cf	Shred
220-027, 005433	Workshop Attendance Records (Records Management)	1/2009 - 12/2009		2 cf	Recycle
GS-101, 012017	Correspondence/Subject Files, Department or Division Heads, Other Correspondence	04/2005 - 12/2009		15 MB	Deleted
GS-101, 012018	Correspondence/Subject Files, Other Officials, Other Correspondence	04/2005 - 12/2010		75.5 MB	Deleted
GS-102, 200113	Payroll Records (Time Sheets)	01/2007 - 12/2007	Lobby Files	2.5 cf	Shred

**DESTRUCTION APPROVALS**  
NOTE: Public records may not be destroyed without receiving prior authorization from the agency or locality Approving Official and Designated Records Officer. The entity that the records listed above have been retained for the scheduled retention period, required audits have been completed, and no pending or ongoing litigation or investigation involving these records is known to exist.

7. Approving Official (Type)	Name of Person Approving Destruction	Signature	Original Signature of Approving Official	Date: 01/15/2013
8. Designated Records Officer (Type)	Name of Records Officer	Signature	Original Signature of Records Officer	Date: 01/14/2013
9. Records Destruction Affirmed By:	Name of Person Affirming Destruction	Signature	Original Signature of Person Affirming Destruction	Date: 01/22/2013

(This document is available with the original RM-3.)

---

---

---

---

---

---

---

---

---

---

## Legal ramifications

Records that are not destroyed according to their retention schedule are subject to discovery during litigation, investigation, and Freedom of Information Act (FOIA) requests.

If you have it, you must produce it.

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



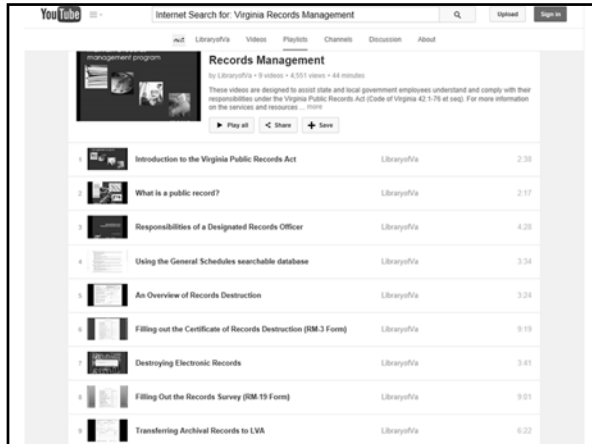
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Final tips

- Visibly label boxes with schedule number, records series, and destruction date.
- Do records destruction yearly and on a set schedule.
- Regularly review the schedules online for changes. Do not print schedules.

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



---

---

---

---

---

---

---

---

---

---

## Questions?

Glenn Smith  
Records Management Analyst  
glenn.smith@lva.virginia.gov

All forms and schedules, as well as additional  
resources, available at:

[www.lva.virginia.gov/agencies/records](http://www.lva.virginia.gov/agencies/records)

---

---

---

---

---

---

---

---

---

---