


Records Management
and FOIA

LIBRARY
of VIRGINIA

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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 effectively 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 . . .

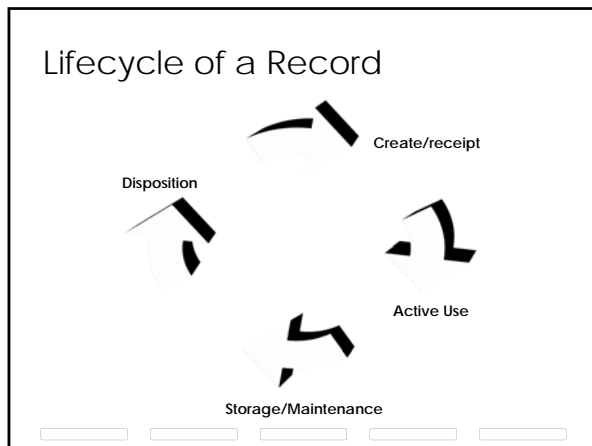
. . . including converting and migrating electronic records as often as necessary so that information is not lost. . .

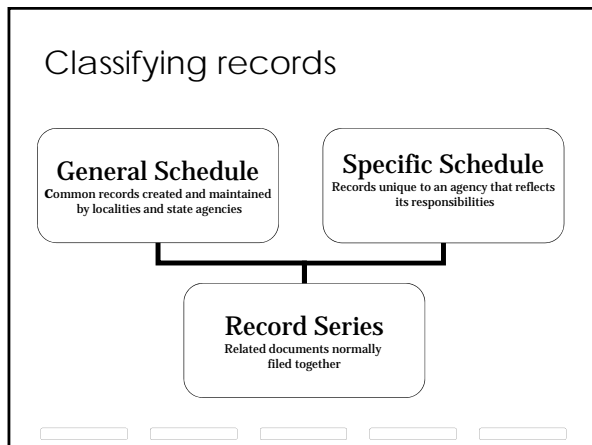
. . . ensure that [converted electronic record] is an accurate copy of the original record . . .

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





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Locality General Schedules

Searchable Database for Locality General Schedules

General Administration

- 05-01, Administrative Records (June 2012)
- 05-02, Fiscal Records (Aug 2012): "Complete revision"
- 05-10, General Services (May 2011)
- 05-03, Information Technology (Jan 2009)
- 05-05, Personnel Records (Aug 2012): "Of fund series: 011151"

Local Departments

- 05-06, Airport (May 2012)
- 05-08, Assessment Records (Dec 2007)
- 05-14, County and Municipal Information (May 2010)
- 05-09, Land Use, Land Development and Public Works (June 2012)
- 05-19, Parks and Recreation (Mar 2008)
- 05-22, Public Library (June 2014)
- 05-23, Public School (Nov 2011)
- 05-07, Public Utilities (Nov 2011)
- 05-20, Reclamation and Housing Authority (July 2007)
- 05-25, Treasurer (June 2011)
- 05-04, Voter Registration and Elections (May 2014)

Human Services

- 05-16, Community Services Board (CSB) (Mar 2008)
- 05-15, Social Services (Feb 2012)

Judiciary

- 05-12, Circuit Court (May 2011)
- 05-13, Commonwealth's Attorney (July 2010)
- 05-21, Court Appointed Special Advocate (CASA) (July 2009)
- 05-26, Probate Services (May 2008)

Public Safety

- 05-24, Community Corrections Act Program (May 2008)
- 05-28, Criminal Justice Training Academy (Dec 2007)
- 05-18, Fire and Rescue (Feb 2006)
- 05-27, Juvenile Detention (March 2011)
- 05-17, Law Enforcement (May 2010)
- 05-09, Sheriff and Regional Jail (Dec 2012): "Open 201113 update"
- 05-30, Virginia Alcohol Safety Action Program (VASAP) (June 1998)

* Recent updates are highlighted in red *

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State Agency General Schedules

Searchable Database for State General Schedules

General Administration

- GS-101: Administrative Records (June 2012) "Default series: 100391"
- GS-102: Fiscal Records (Aug 2012) "Complete revision"
- GS-103: General Services (Sep 2009)
- GS-112: Information Technology (Mar 2009)
- GS-105: Personnel Records (Aug 2012) "Default series: 100507"

Specific Departments

- GS-111: College and University (Mar 2009)
- GS-100: Fire, Safety and Security (Nov 2011)
- GS-107: Food Service (May 2001)
- GS-104: Health Records (May 2011)
- GS-100: Library and Museum (Aug 2001)
- GS-104: Mailroom (Mar 2001)
- GS-105: Motor Vehicle (Apr 2001)

* Recent updates are highlighted in red *

LIBRARY OF VIRGINIA

Archives, Records, and Collections Services
800 E. Broad St., Richmond VA 23219
(804) 692-9000

RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL SCHEDULE NO. GS-02

COUNTY AND MUNICIPAL GOVERNMENTS

Fiscal Records

RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
Insurance Records and Reports	010165	Retain 3 Years after end of state fiscal year	Confidential Destruction
This series documents insurance coverage carried by the locality, such as commercial policies, third-party coverage, and self-insurance programs. This series may include, but is not limited to: insurance policies, claims, invoices, and endorsement files.			
Payroll Records	200105	Retain 5 Years after end of state fiscal year	Confidential Destruction
This series documents the payroll activities of the locality. This series may include, but is not limited to: deduction authorizations and reports, leave records, judgments and reports, compensation files, retirement contributions, time and attendance records, time sheets, Virginia Employment Commission (VEC) reports, wage and income tax reports, W-2 Wage and Tax Statements, and Forms 1099.			
Purchasing Records	200106	Retain 5 Years after end of state fiscal year	Confidential Destruction
This series documents the purchasing of equipment, goods, services, and supplies by the locality. This series may include, but is not limited to: bids, bid proposals, contracts, agreements, purchase orders, and requisitions.			
Reimbursement Records	010190	Retain 3 Years after end of state fiscal year	Non-confidential Destruction
This series documents the reimbursement of money to or from the locality. This series may include, but is not limited to: travel expense reimbursement and equipment documentation.			
Retirement Files, Locally Managed Retirement Systems	200107	Retain 3 Years after last action	Confidential Destruction
This series documents the locally managed retirement system. This series may include, but is not limited to: employee participating and financial documentation.			

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Timeframe for records destruction

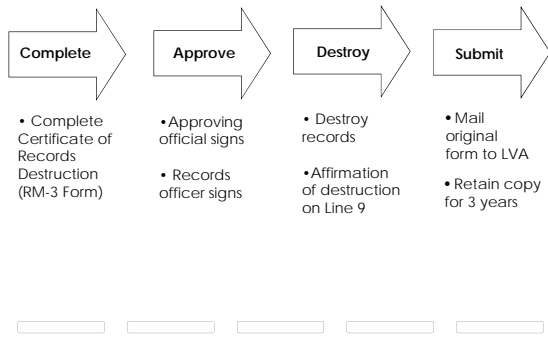
Each agency shall ensure that records created after July 1, 2006 . . .

. . . 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



LIBRARY OF VIRGINIA
Records Analysis Section
600 E. Broad St., Richmond VA 23219
(804) 693-3600

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, §§ 42.2-76 through 42.2-91 of the Code of Virginia.

SUBMIT FILLABLE FORM WITH ORIGINALS, SIGNATURES

1. Agency / Locality / Regional Entity Library of Virginia		2. Division / Department / Section Human Resources		3. Person Completing Form Erin D. Pfizer	
4. Address, City, St, & Zip 800 E. Broad St. Richmond VA 23219-6000		5a. Telephone Number & Extension 804-693-1234		5b. E-mail Address erin.pfizer@lva.virginia.gov	

6. Records to Be Destroyed

a) Schedule and Records Series Number	b) Records Series Title	c) Date Range (start/end)	d) Location	e) Volume	f) Destruction Method
GS-103, 012185	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, 010017	Correspondence/Subject Files, Department or Division Heads, Other Correspondence	04/2005 - 12/2009		15 MB	Deleted
GS-101, 010018	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 Affidavit
§ 42.2-91 Public records may not be destroyed without receiving prior authorization from the agency or locality Approving Official and Designated Records Officer. We certify 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
8. Designated Records Officer (Type)	Name of Records Officer	Signature	Original Signature of Records Officer	Date
9. Records Destruction Affirmed By:	Name of Person Affirming Destruction	Signature	Original Signature of Person Affirming Destruction	Date

(No attachments accepted with the original RM-3.)

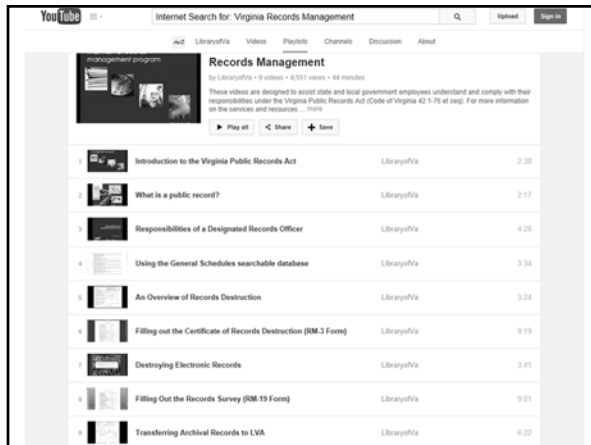
Legal ramifications

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?

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

www.lva.virginia.gov/agencies/records
