


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 (VPR).
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 . . .

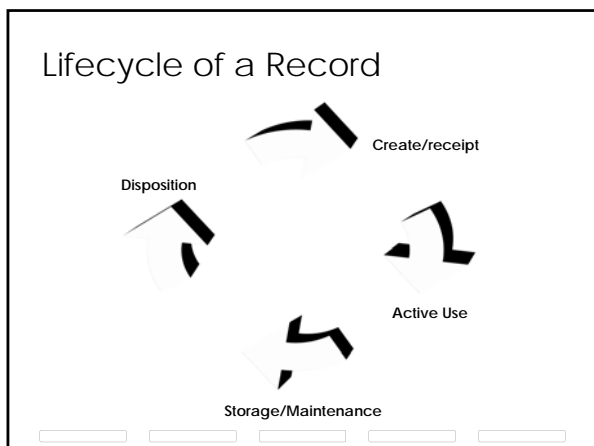
. . . including converting and migrating electronic records as often as necessary so that information is not lost. . .

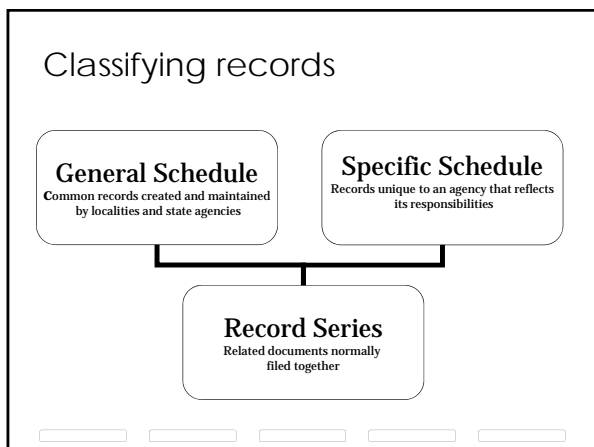
. . . ensure that [converted electronic record] is an accurate copy of the original record . . .

COV § 42.1-85

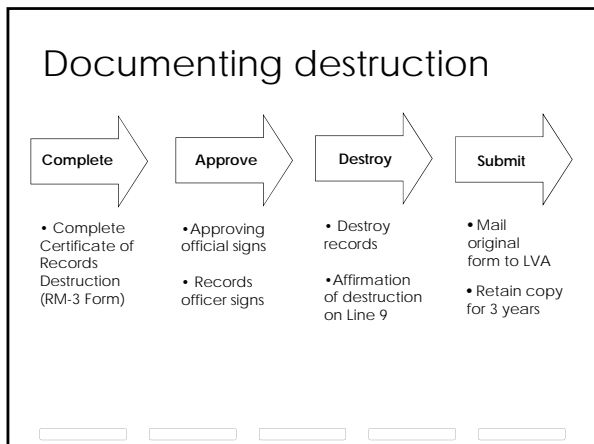
Records storage

- 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





The screenshot shows the 'Library of Virginia' website interface. The header includes the logo and navigation links: 'For the Public', 'For Localities & State Agencies', and 'For Libraries & Educators'. Below the header is a search bar and a list of 'Locality General Schedules' categorized by agency type: General Administration, Local Departments, Human Services, Judiciary, and Public Safety. Each category lists specific record series with their dates and descriptions. For example, under 'General Administration', there is '05-01, Administrative Records (June 2012)'. At the bottom, there is a note: '* Recent updates are highlighted in red *'.



LIBRARY OF VIRGINIA
Records Analysis Section
602 E. Broad St., Richmond VA 23219
(804) 680-3000

CERTIFICATE OF RECORDS DESTRUCTION

This form documents the destruction of public records in accordance with the Virginia Public Records Act, §§ 42.2-71 through 42.2-91 of the Code of Virginia. (Form RM-3 January 2013)

REQUIRE FILLABLE FIELDS WITH OBSERVABLE SIGNATURES

1. Agency / Locality / Regional Entity Library of Virginia		2. Division / Department / Section Human Resources		3. Person Completing Form Eric D. Pfizer	
4. Address, City, St. & Zip 800 E. Broad St. Richmond VA 23219-6000			5a. Telephone Number & Extension 804-680-1204		5b. E-mail Address eric.pfizer@lva.virginia.gov

6. Records to Be Destroyed					
a) Schedule and Records Series Number	b) Records Series Title	c) Date Range (start)	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, 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
10/17: 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
				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

(Be affirmations accepted with the original RM-3.)

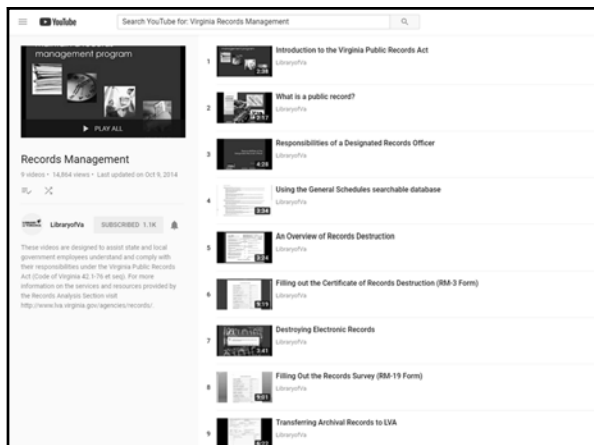
Legal ramifications

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?

Contact your
Records Management Analyst
www.lva.virginia.gov/agencies/records/analyst-contacts.htm

All forms and schedules, as well as additional
resources, available at:
www.lva.virginia.gov/agencies/records
