

Note: This model policy was developed for use by local governments in Michigan. Local governments may edit this document and adopt it. If you are interested in referring to them, the records management policy and procedures for the Executive Branch are published in the Administrative Guide to State Government, chapter 900, which is available online at http://www.michigan.gov/dtmb/0,1607,7-150-9131_9347---,00.html#900PRESERVATION.

[AGENCY NAME]
RECORDS MANAGEMENT POLICY

The [agency name], recognizing that good records management is vital to the effective and efficient operation of government operations, enacts the following records management policy:

Applicability

This records management policy shall apply to all employees, agents, independent contractors, and volunteers of the [agency name].

Definitions

Agency-specific schedule: covers records that are unique to a particular government agency. Agency-specific schedules only address the records of the agency named on the schedule, and may not be used by another agency. Any record that is not covered by a general schedule must be listed on an agency-specific schedule. Agency-specific schedules always supersede general schedules.

General schedule: covers records that are common to a particular type of government agency. General schedules may not address every single record that a particular office may have in its possession. *General schedules do not mandate that any of the records listed on the schedule be created.* However, if they are created in the normal course of business, the schedule establishes a minimum retention period for them. Retention for longer periods is authorized if the individual has reason to believe that a record may be required beyond the minimum retention period for the efficient operation of the agency.

Non-record Materials: include, but are not limited to, extra copies of documents retained only for convenience of reference, and letters of transmittal/routine correspondence that do not document significant activities of the agency. A more comprehensive description may be found within General Schedule #1 which is available from the State of Michigan, Records Management Services' website (see below).

Public Records: recorded information “prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.” Michigan Freedom of Information Act (FOIA) (M.C.L. 15.231 - 15.232)

Retention and Disposal Schedule: define how long each record, regardless of its physical format, should be retained. Retention and Disposal Schedules also indicate which records have archival value, and when those records should be transferred to the Archives of Michigan. According to Michigan law, no public records may be destroyed without the authorization of an approved Retention and Disposal Schedule. All schedules are approved by the Records Management Services, the Archives of Michigan and the State Administrative Board.

Records

Each individual who creates, sends or receives official records is responsible for retaining these records in accordance with this records management policy.

Non-Records

Employees are not required to retain non-record materials once their reference value to the individual has expired. However, if a FOIA request is received, or if the agency becomes involved in litigation, non-records may be requested and may be released, if they have not already been destroyed.

Record Retention

All public records shall be retained in accordance with an approved Retention and Disposal Schedule. Records not listed on an approved Retention and Disposal Schedule may not be disposed of until a schedule is approved. Michigan Penal Code (MCL 750.491)

Record Maintenance

Individuals and offices shall organize their records to promote fast and efficient retrieval of information. Appropriate and cost-effective office equipment, indexes and tools shall be used to maintain records.

Records that will be retained for more than 10 years shall be stored in an environment that facilitates the security and stability of the storage media. Recommended

environmental conditions are available online at http://www.michigan.gov/documents/hal_mhc_rms_storage_conditions_125646_7.pdf.

The [agency director] shall work in conjunction with the [information technology personnel/department] to determine the most cost effective and reliable method of maintaining electronic records for their full retention period, so technology changes do not render them in accessible and unusable. The [agency director] shall publish that method to all affected individuals.

The [agency name] shall comply with the State of Michigan's standards for record reproduction, as authorized by the Records Reproduction Act ([MCL 24.401-24.406](#)). These standards are available online at http://www.michigan.gov/dtmb/0,5552,7-150-9141_21738-362754--,00.html.

Records containing sensitive or confidential information shall be protected against unauthorized access, especially records that are protected by state or federal laws, records containing private information, financial information, background checks, medical information, and social security numbers. Individuals and offices shall employ appropriate locks, passwords and other devices to protect the privacy of this information.

Separation from Employment

Employees shall not take public records with them when they terminate employment with the [agency name], and they shall not destroy records that have not yet fulfilled their approved retention period. Supervisors are responsible for ensuring that the records (including e-mail and other electronic records) of employees who are separating from employment with the [agency name] continue to be retained in accordance with this policy.

Disposal

Public records which have reached their minimum retention period, and which are no longer required for the efficient operation of the agency, may be disposed of. Disposal shall be made by a method which is guaranteed to ensure the privacy of sensitive or confidential information.

The [agency name] shall destroy sensitive or confidential information by [describe method, vendor, internal procedures, etc.]. The [agency name] shall destroy open records by recycling or regular trash disposal.

Some records possess permanent or historical value. These records may be designated for eventual transfer to the Archives of Michigan for permanent preservation. The [agency name] shall follow the Archives' procedures for transferring records, which are available online at <http://www.michigan.gov/mhc/0,4726,7-282-61083-332203--,00.html>.

Litigation, Investigations, and Freedom of Information Act Requests

No records that are the subject of litigation, a pending investigation request, or a pending Freedom of Information Act (FOIA) request shall be destroyed until the legal action or activity has ended, even if the records are otherwise scheduled for destruction pursuant to this policy. Any individual with knowledge of pending litigation, a pending investigation, or a FOIA request shall immediately inform the [agency director or legal counsel]. The [agency director or legal counsel] shall direct all relevant individuals to immediately cease disposal of all records relevant to the pending litigation, pending investigation, or FOIA request. If the relevant records are in electronic form (including e-mail) the [agency director or legal counsel] shall notify [information technology personnel/department] so they can protect the records from destruction (which may include stopping the rotation of backup tapes). Should questions arise as to what records are relevant to the pending litigation, pending investigation, or FOIA request, the [agency director or legal counsel] shall direct the immediate cessation of the disposal of all records. The moratorium on the disposal of all records relevant to the pending litigation, pending investigation, or FOIA request shall remain in effect for the duration of the litigation, investigation, or until the FOIA request had been fully processed.

Failure to Adhere to this Records Management Policy

Failure to adhere to this records management policy may result in applicable discipline, up to and including discharge from employment, termination of the contractor status, termination of the volunteer relationship, or expulsion.

Further, the removal, mutilation, or destruction of public records may result in civil and criminal liability, up to and including a penalty of not more than two years in state prison or a fine of not more than \$1,000.

References

Laws

- M.C.L. 15.231 - 15.232 (Freedom of Information Act, Definitions)
M.C.L. 18.1284 - 1292 (Management and Budget Act, Records Management)
M.C.L. 399.1 - 10 (Historical Commission Act)
M.C.L. 750.491 (Penal Code, Public Records)

Note: The Michigan Complied Laws are available online at <http://www.legislature.mi.gov/>

General Schedules for Local Governments

A current list of the general schedules that are approved for use by local governments is available online at http://www.michigan.gov/dtmb/0,5552,7-150-9141_21738_31548-56101--,00.html.

Additional Information

Agencies may contact the State of Michigan, Records Management Services at (517) 335-9132. Additional information is also available from the Records Management Services' website <http://www.michigan.gov/recordsmanagement/>, including records management manuals, general schedules, e-mail retention guidelines, microfilming standards and digital imaging standards, etc.