



MANAGING LOCAL RECORDS IN ALABAMA



Alabama DEPARTMENT OF
ARCHIVES & HISTORY

2021 Edition



The Alabama Department of Archives and History (ADAH) is the state's government-records repository, a special-collections library and research facility, and home to the Museum of Alabama, the state history museum. It is located in downtown Montgomery, directly across the street from the State Capitol.

One of the ADAH's central missions is to aid state and local governments in the management of their records. ADAH staff in the Records Management Section work with state and local agencies to organize, manage, and preserve their records for long-term access. This work is vital to the maintenance of accountability and transparency by government on behalf of current Alabamians and future generations.

This booklet provides local government officials with an introduction to their records obligations and responsibilities.

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ALABAMA RECORDS LAW

Taxpayers fund the work of government employees; therefore, the records created by government employees are public records.

Anyone elected or hired to work at any level of state or local government, as well as anyone who is paid in full or in part by state, county, or municipal funds, creates public records (Code of Alabama 1975 § 36-12-1 through 36-12-2).

Public records include “all written, typed, or printed books, papers, letters, documents, and maps made or received...in the transactions of public business” (Code of Alabama 1975 § 41-13-1).

As provided in the Uniform Electronic Transactions Act, public records may exist in many formats, including as electronic records (Code of Alabama 1975 § 8-1A-12).

While all government records are *public* records, not all public records are *open* records. Various federal and state statutes restrict access to some government records.



THE LOCAL GOVERNMENT RECORDS COMMISSION (LGRC)

No local government official shall destroy or dispose of any government record without first obtaining the approval of the Local Government Records Commission (LGRC).

- Code of Alabama 1975 § 41-13-23

Established in 1987, the LGRC determines which local government records have permanent value and which may be destroyed after a specified period of time. The ADAH Records Management Section serves as support staff for the LGRC and assists local officials with records management and preservation.

The LGRC issues requirements for local governments to maintain records based on their fiscal, legal, administrative, and historical value. Local governments obtain approval from the LGRC to destroy eligible records by submitting a **Local Government Records Destruction Notice** to the ADAH Records Management Section.



THE RECORDS DISPOSITION AUTHORITY

The **Records Disposition Authority (RDA)** is a document that establishes **disposition** requirements by designating records as either temporary records, which may be destroyed after a specified **retention** period, or permanent records, which must be preserved. The RDA identifies records which must be maintained permanently by local governments or by a designated records repository, and provides legal authority to destroy temporary records after approval by the ADAH Records Management Section.

The LGRC has approved RDAs for most county and municipal government entities. RDAs for local government entities are posted on the “Manage Records” section of the ADAH website (www.archives.alabama.gov). Records Management Section staff update the RDAs regularly to incorporate revisions approved by the LGRC. *Always reference the most updated RDA online.*

As of 2020, local government RDAs include the following:

- 911 Emergency Communications Districts
- Archives and Museums
- Boards of Education
- County Commissions
- County Boards of Registrars
- County Probate Offices
- County Taxation Offices
- Emergency Management Agencies
- Fire Departments
- Health Care Authorities
- Law Enforcement Agencies
- Municipalities
- Public Libraries
- Racing Commissions
- Regional Planning Commissions

RDA's indicate when temporary records are eligible for destruction; however, local governments may keep records longer than specified. Reasons for delayed destruction of temporary records could include ongoing reference value of the records or the batching of destruction for purposes of cost efficiency.

If you have trouble locating a record in the RDA, ADAH Records Management Section staff can either help find a suitable category for the record in the RDA (known as a **record series**) or recommend revisions to the RDA to address the record. The LGRC approves revisions to RDA's each April and October.

FREQUENTLY ASKED QUESTIONS

When may I destroy records?

Local government entities may destroy temporary records which have satisfied the RDA's minimum retention requirements after:

- (1) ensuring that no litigation hold, audit, or other cause prevents the destruction of otherwise eligible temporary records, and
- (2) obtaining proper authorization from ADAH Records Management Section staff.

Some minimum retention periods are dependent upon **audit date** (for example, "retain two years following audit"). When requesting authorization to destroy records, note that the audit date is the date that the specific records your office is seeking to destroy were made available for audit, even if the records were not pulled for the audit.

Local governments should not simply list their office's most recent audit date; this is a common error that can delay the authorization process.

How do I request permission to destroy records?

Local governments request authorization to destroy obsolete temporary records by submitting a **Local Government Records Destruction Notice** to the ADAH Records Management Section. This form is available on the "Manage Records" section of the ADAH website (www.archives.alabama.gov). As RDAs are subject to change, make sure to reference the most updated RDA online.

Once the form has been submitted, Records Management Section staff will either respond with follow-up questions or send a **Letter of Eligibility** certifying that the records are eligible for destruction.

Local governments must receive a Letter of Eligibility from the ADAH before proceeding with destruction.

After receiving the Letter of Eligibility, local governments may proceed with destruction. Keep Letters of Eligibility and final copies of destruction notices on file in order to produce documentation of lawful destruction in the event of records requests or litigation.

How should records be destroyed?

The destruction of obsolete temporary records should be *irreversible*. Sensitive paper records should be incinerated, shredded, or otherwise destroyed so that the records are unreadable.

Sensitive records may include:

- (1)** Personally identifiable information (for example, Social Security numbers, student records, and medical records)
- (2)** Consumer information (for example, credit card numbers and bank account numbers)

To destroy sensitive electronic records, consider options such as overwriting, degaussing for magnetic media, or physically destroying storage media. For non-sensitive electronic records, deletion may suffice. Coordinate with your office's IT staff to determine best practices.



How do I preserve permanent records?

Local governments should store permanent paper records so that they are guarded from possible damage. Light, heat, humidity, water leaks, and pests are common threats to paper records. Ensure that the storage location for paper records meets the following conditions:

Security

Access to the storage site is restricted to staff members only. The site is protected against theft.

Climate Control

The storage location temperature ranges from 65 to 75 degrees Fahrenheit and the humidity ranges from 45 to 55 percent, without rapid variation or fluctuation. The climate-control system is not turned off at night or over weekends.

Environmental Protection

The storage site is serviced regularly for pest control. Upper shelves are clear of light fixtures, ducts, and overhanging water pipes. If this is not possible, records should not be placed on upper shelves.

Supervision

The storage site is monitored regularly to check for hazards such as fire, flooding, leaks, and pests.

How long should I keep electronic records?

The content of a record, rather than its format or storage location, determines retention requirements.

As an example, a staff accountant may maintain routine accounting records by writing each transaction by hand in a ledger book or by typing the transactions into a spreadsheet or financial system. Regardless of the format (ledger book, spreadsheet, or financial system), these records must be maintained and accessible for their entire retention period. This is because RDAs are *format-neutral*.

In short, the same retention requirements apply regardless of a record's format, whether it is maintained on paper, electronically, in an email, or on microfilm.

Electronic records must be accessible until the required retention is fulfilled.

How do I secure & preserve electronic records?

Local governments must ensure that electronic records remain accessible and readable. To preserve the long-term integrity of electronic records, speak to your IT staff members about developing plans and procedures for:

- (1) Regularly backing up electronic records.
- (2) Storing back-up copies in an off-site, offline, environmentally controlled location.
- (3) Migrating or converting all records to upgraded systems as technology continues to evolve.

Offices must **migrate** their electronic records from one system to another for continued accessibility.

Records may need to be moved from an old computer to a new one, from one server or cloud to another, or from one database to another. Just as the heyday of compact disks has come and gone, today's electronic software systems, storage devices, and file formats will become **obsolete**.

Migrating records takes time and resources. When considering options for a recordkeeping system, ease of migration should be a key factor.

May I scan and toss?

Scanning or digital imaging offers convenient ways for storing, locating, and managing records. Once records are scanned, however, can the paper versions be destroyed?

Local governments may digitize permanent paper records to increase their accessibility, but the original paper records should be preserved.

When properly stored, paper records can be accessible for centuries with very little maintenance. In comparison, electronic records require frequent maintenance, including data migration, to remain accessible. To better preserve permanent records and their historical value, *permanent paper records* should be retained in their original format.

Temporary paper records, on the other hand, need not be retained in their original format. Local governments may digitize temporary records and then destroy the duplicate paper copies. Local governments which “scan and toss” must ensure that the digitized

records remain accessible and readable for the entire retention period specified by the RDA (Code of Alabama 1975 § 8-1A-12).

As a general rule, local governments should consult the ADAH before destroying records created before 1940.



How should I manage a digitization project?

- (1)** Consult with legal counsel to ensure that audit requirements or expected litigation will not require the original documents to be maintained.

- (2)** Ensure that any records which are eligible for destruction have been destroyed before digitization begins. There is no reason to spend time or money digitizing records that do not need to be maintained.

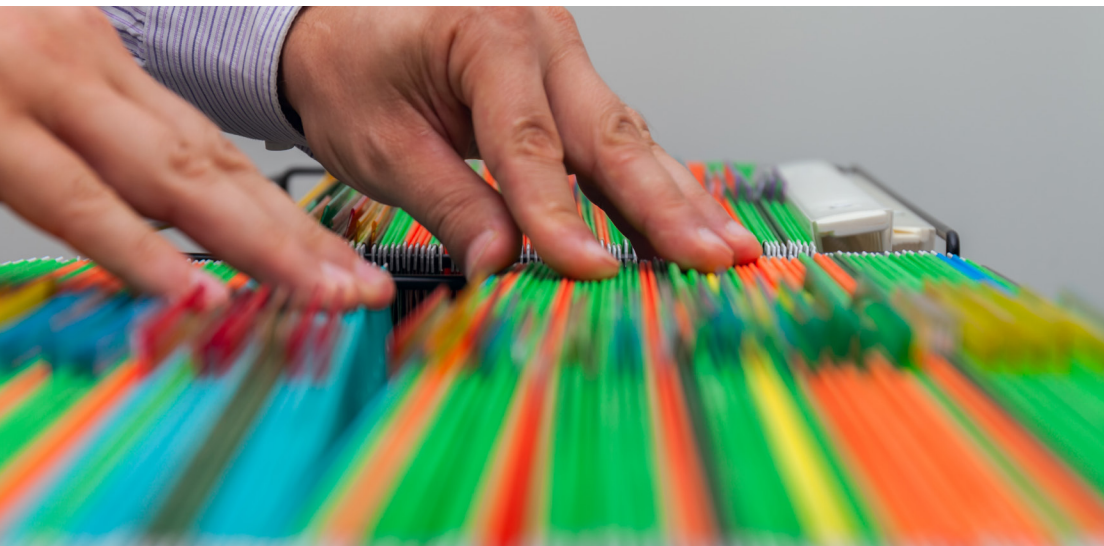
- (3)** Establish quality-control standards for file naming and image quality. Verify the accuracy and consistency of scans. Ensure all files and pages are accounted for or select a vendor that will perform quality control.
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(4) Save scanned images in stable and high-quality file formats. For documents, a resolution of 300 PPI in TIFF or PDF/A (the archival-quality version of PDF) formats are a good choice. Contact the ADAH for recommendations for other document types.

(5) Include as much **metadata** as possible. Metadata (or “data about data”) describes important characteristics of a file, such as a file’s creation date, destruction eligibility date, and creator. If storing digitized files in a document management system or database, you should be able to indicate retention and other information using metadata or tags.

Where can I locate suitable records storage?

If local governments lack adequate space for preserving permanent records, the Records Management Section can assist them in vetting a suitable offsite repository, such as a local library or archive. Such an arrangement must be codified in the form of a **Local Government Records Deposit Agreement**, with oversight provided by the ADAH Records Management Section on behalf of the LGRC.



What consultation & training does the ADAH offer?

The ADAH offers free consultation and training for local governments across Alabama. Give us a call, and we will answer your questions and offer opportunities to receive training at your office or online.

We provide assistance and training on topics including, but not limited to, the following:

- Records management
- Disaster preparedness
- Preservation & conservation
- Digitization
- Destruction of temporary records
- Electronic records management

BE A HOST SITE!

The ADAH encourages local entities to host training sessions for nearby entities of the same type. A local law enforcement agency, for example, may host a joint training session for law enforcement for neighboring cities and counties. ADAH Records Management Section staff will tailor training to fit your needs. Invite local government colleagues from across the region. Build partnerships and share knowledge.

GLOSSARY

Audit Date

Some retention requirements in local Records Disposition Authorities are dependent on audit date. The audit date is the date that records were made available for audit, even if the records were not pulled for the audit. When requesting authorization to destroy records, local governments should not simply list their office's most recent audit date; this is a common error that can delay the authorization process.

Disposition

Disposition refers to the actions taken regarding records once they are no longer needed to conduct government business. These actions may include destruction or transfer to an archives.

Letter of Eligibility

Letters of Eligibility are issued from the Records Management Section to local governments to verify that records have met their minimum retention requirements and are eligible for destruction.

Local Government Records Commission (LGRC)

Established in 1987, the LGRC determines which local government records have permanent value and which may be destroyed. The LGRC issues retention guidelines and other regulations for local government records.

Local Government Records Deposit Agreement

This agreement provides a means for local governments which lack capacity for preserving original, permanent records to store those records in a suitable offsite repository. Under this agreement, the repository assumes physical custody, but the originating office retains legal custody of the records.

Local Government Records Destruction Notice

The Local Government Records Destruction Notice is the form that local governments must submit to the ADAH Records Management Section before destroying eligible temporary records.

Metadata

Metadata, or “data about data,” is information about or attributes of a record (for example, the record’s creator or date created).

Metadata helps users locate and manage records.

Migration

Migration is the transfer of records from obsolete media to a new system which allows for continued accessibility.

Obsolete

In the context of technology, obsolete (similar to “outdated” or “antiquated”) means that something is no longer in popular use and/or has been replaced by newer options. Reel-to-reel magnetic tape, for example, has become an obsolete technology.

Public Records

Public records include “all written, typed, or printed books, papers, letters, documents, and maps made or received...in the transactions of public business” (Code of Alabama 1975 § 41-13-1). Public records may exist in many formats, including electronic records (Code of Alabama 1975 § 8-1A-12). Most public records are open for public examination, but some are restricted in accordance with federal or state law.

Record Series

A record series is a group or category of records as identified in the Records Disposition Authority (RDA). In local RDAs, each record series has a unique number.

Records Disposition Authority (RDA)

Records Disposition Authorities (RDAs) are documents approved by the Local Government Records Commission which identify how long specific records should be maintained, when records may be destroyed, and which records should be preserved permanently.

Retention

Retention is the length of time records should be kept for administrative, legal, fiscal, historical, or other purposes. Retention periods are set for record series, but specific records within the series may need to be retained longer if they are required for litigation or other circumstances.



STAY INFORMED

Check out our regular posts on ***For the Record*** (fortherecordalabama.blog), the Records Management blog of the Alabama Department of Archives and History, for news and guidance about records retention, disposition, and preservation.

CONTACT THE RECORDS MANAGEMENT SECTION

If you have questions about the management of local government records or if you would like to schedule a site visit or training, contact Becky Hébert, State and Local Government Records Coordinator.



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