

**Alabama State and Local Government Records
Commission**

**Functional Analysis
&
Records Disposition Authority**

**Revision
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State Records Commission
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Functional and Organizational Analysis of the State and Local Government Records Commissions

Sources of Information

Representatives of the Staff of the State and Local Government Records Commissions

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Tracey Berezansky, Assistant Director for Government Records (ADAH)

Tom Turley, Archivist III (ADAH)

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Code of Alabama 1975, Sections 41-13-5, 41-13-20 through 41-13-25, and 41-13-44

Alabama Government Manual (1994)

Government Records Division, State Agency Files (1985-ongoing)

Holdings of the Department of Archives and History for the State and Local Government Records Commissions

Agency Organization

The organizational structure of the agencies is as follows: The State Records Commission (SRC) consists of seven members as follows: the director of the Department of Archives and History, who serves as chairman of the SRC; the chief examiner of the Department of Examiners of Public Accounts; the Attorney General; the Secretary of State; the commissioner of the Department of Revenue; one member from the University of Alabama, designated by the head of the department of history; and one member from Auburn University, designated by the head of the department of history (Code of Alabama 1975, Section 41-13-20).

The Local Government Records Commission (LGRC) consists of twelve members as follows: the director of the Department of Archives and History, who serves as chairman of the LGRC; the other members of the State Records Commission except for the Revenue Commissioner; and six representatives of local governments whom the Governor appoints. The appointed members are as follows: one probate judge who is not a chairperson of a county commission; two chairpersons of county commissions who are not also probate judges; one county tax assessor; and two city clerks.

Meetings of the commissions are held quarterly and upon the call of the chairman (Code of Alabama 1975, Section 41-13-22). Employees assigned to the Government Records Division of the Department of Archives and History provide staffing for the commissions.

Historical Context

From 1945 to 1955 public records of the state, counties, municipalities, and other subdivisions of government could be destroyed upon the recommendation of the record custodian and the consent of the director of the Department of Archives and History. The legislature created the County Records Commission and the State Records Commission in 1955 to classify all county and state records, respectively. During this time, agencies prepared schedules without the help of the Department of Archives and History. In 1967 the state hired a private firm to inventory records and establish a statewide records management program. The consultants, working with the staff of the Department of Archives and History, created many records retention schedules. The staff of the department assumed responsibility for the statewide records management program in 1968. The County Records Commission was replaced by the Local Government Records Commission in 1987.

In 1963, the legislature passed Act No. 549 that listed the minimum retention period for eighteen classes of municipal records. From 1963 until 1987, when the Local Government Records Commission was created with authority over municipal records, any custodian of municipal records could file a petition with the municipality's governing body, requesting permission to destroy public records listed in the act. The governing body would then set a date for a public hearing. A notice of the meeting was sent to the director of ADAH. At the hearing the custodian of the record and the public presented reasons for proceeding or not proceeding with records destruction. The governing body would then determine if the record could be destroyed or not.

Agency Function and Subfunctions

The mandated functions of the State Records Commission and the Local Government Records Commission are to conduct surveys of public records, to determine which records are to be permanently preserved, to determine the retention and disposition of records that are not to be permanently preserved, to issue regulations classifying public records, and to approve the destruction of eligible records (Code of Alabama 1975, Sections 41-13-21 and 41-13-24). The State and Local Government Records Commissions are two of the agencies primarily involved in carrying out the Regulatory and Stewardship functions of Alabama government. In the performance of their mandated functions, the State and Local Government Records Commissions may engage in the following subfunctions.

- **Establishing Disposition Requirements.** By law, no public official can destroy any public record without approval by the appropriate records commission except records of the courts within the unified judicial system, which may be disposed of in the manner and in accordance with procedures prescribed by rule of the Supreme Court after consultation with the State Records Commission (Code of Alabama 1975, Section 41-13-21). The State Records Commission determines which state records are permanently preserved because of historical value, which state records may be destroyed or otherwise disposed of after they have been microfilmed, and which state records may be destroyed or otherwise disposed of without microfilming. The Local Government Records Commission determines which

county, municipal, and other local government records are permanently preserved because of historical value and which county, municipal, and other local government records may be destroyed or otherwise disposed of after they have been microfilmed (Code of Alabama 1975, Sections 41-13-5, 41-13-21, 41-13-23, and 41-13-41).

The staff members of the commissions conduct research to determine how long records are needed for legal, fiscal, historical, and administrative use. The staff of the commissions also develop partnerships with entities of state, local, and federal governments that establish and/or enforce record keeping requirements to aid in the identification of requirements for retention periods.

After researching record keeping requirements, the staff members of the commissions make, in consultation with agency staff, recommendations as to how long records should be kept. These recommendations take the form of a records retention schedule or a Records Disposition Authority (RDA) that lists all the records of an agency along with their proposed retention periods. The agency reviews the recommendations and submits them to the members of the appropriate records commission for approval.

At their meetings, members of the commissions discuss and vote on proposed retention periods for the records. Agencies are instructed to follow the disposition requirements authorized by the schedule or RDA once all parties have signed it.

- **Establishing Guidelines, Rules, and Regulations.** The State Records Commission, with the advice of the State Agency Advisory Committee, and the Local Government Records Commission establish guidelines, rules, and regulations concerning the disposition of records (Code of Alabama 1975, Section 41-13-24). Various state officials who are involved in records management make up the advisory committee. The committee meets quarterly to give advice to the staff of the commissions regarding guidelines, rules, and regulations for records management. It is the responsibility of the staff members of the commissions to create and issue publications that explain the commissions' records retention policies and procedures. The staff members also develop active programs for educating public officials about record keeping responsibilities. Education programs include workshops for officials that explain record keeping requirements and how to create an RDA; onsite visits; and publications discussing records management, imaging, microfilming, and other records related topics.

- **Monitoring the Disposition of Records.** The commissions monitor the disposition of public records to promote agency compliance with the regulations of the commissions. Before destroying records that have met their retention requirements, an agency must obtain approval from the appropriate records commission (Code of Alabama 1975, sections 41-13-21, 41-13-23, and 41-13-44). The commissions require agencies with RDAs to submit an annual report that includes agency records disposition actions, comments on how the agency has addressed recommendations previously made by the commission, and any records

concerns the agency may have. The agency head signs the report, which serves as a renewal of the RDA. If the commission decides that an agency is not fulfilling its records management responsibilities properly, the commission may require the agency to obtain permission for destructions of records before their disposal. Both records commissions require agencies without RDA's to submit destruction notices for scheduled records before the destruction of the record. Once the appropriate commission representative approves the destruction notice, the records may be destroyed. The State Records Center also uses destruction notices to notify state agencies of records stored at the center that are eligible for destruction. The commissions, with the help of the staff of the Department of Archives and History, also check into the condition of permanent records in the possession of agencies.

- **Administering Internal Operations.** A significant portion of the agency's activities include general administrative, financial, and personnel activities geared toward the internal functioning of the agency. These administrative duties are grouped together under the subfunction Administering Internal Operations. Administering Internal Operations includes the following groups of activities:

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, lobbying, tracking), publicizing and providing information, managing records, and managing information systems and technology.

Managing Finances: Activities include budgeting (preparing and reviewing a budget package, submitting the budget package to the state Finance Department; documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; assisting in the audit process; investing; and issuing bonds.

Managing Human Resources: Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees, such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, promoting, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

Managing Properties, Facilities, and Resources: Activities include: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or

facilities; providing security for property owned by the agency; insuring property; and assigning, inspecting and maintaining agency property, including vehicles.

Revision Completed: June 2000

Attachment: Organizational Chart

Analysis of Record Keeping System and Records Appraisal of the State and Local Government Records Commissions

Agency Record Keeping System

Paper-Based System. The staff members of the State and Local Government Records Commissions maintain its paper format records at the Department of Archives and History.

Computer Systems. The commissions utilize the computer system of the Department of Archives and History for the creation and storage of electronic records. The Department of Archives and History maintains a website at <http://www.asc.edu/archives/agis.html>. Information for public officials can be found here. The information can also be found in the files and publications of the commissions.

Records Appraisal

The following is a discussion of the three major categories of records created and/or maintained by the State and Local Government Records Commissions: Temporary Records, Permanent Records, and Records No Longer Created.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all their fiscal, legal, and administrative requirements have been met.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Establishing Disposition Requirements

- **State and Local Government Agency Files.** These records, organized by type of agency (state, county, or municipality) include correspondence with agencies, memos documenting phone conversations and onsite visits, reports on the condition of microfilm operations of the agency, digital imaging certification files, and records analysis worksheets. Copies of transmittals, destruction notices, and background research materials may be removed from these files and destroyed as reference files. The correspondence, memos, reports, and worksheets are necessary to document the development of schedules/RDAs, contact with agencies, results of on-site visits, and policies of the commissions.
- **Approved Records Retention Schedules and RDAs.** Approved schedules and RDAs give agencies the authority to dispose of their records. They are necessary to document this authority and the commissions' subfunction of approval. Currently stored in the agency files and in an electronic file, these records should be maintained until they are superseded and then transferred to ADAH.

Establishing Guidelines, Rules, and Regulations

- **Publications.** These records include technical leaflets, informational publications, and a newsletter. The technical leaflets explain different aspects of records management while the newsletter gives information on the activities of the commissions and also explains different aspects of records management. The publications document the commissions' efforts to educate public officials regarding the proper management of government records.

Monitoring the Disposition of Records

- **Approved Destruction Notices.** Agencies without RDAs must submit destruction notices to the appropriate records commission before destroying any records. If the records commission approves the destruction, the chairman of the appropriate commission signs the notice and sends it to the agency. The appropriate records commission maintains the original to document the approval of the destruction of records. The State Records Commission also approves destruction notices for the records in the State Records Center.
- **Agency Annual Reports to the State Records Commission.** State agencies with approved RDAs submit these reports to the commission annually. The reports detail disposition actions of the agency's records, include comments on how the agency has addressed recommendations previously made by the commission, and address any concerns the agency may have. The report is signed by the head of the agency and serves as a renewal of the RDA and is necessary to document the monitoring subfunction of the commission.

Administering Internal Operations:

- **Administrative Files.** Reports, letters of appointment, resolutions, proposed changes in legislation, signature pages, minutes and agendas, correspondence not found in the agency files because it is sent directly to or from the members of the commissions, and records of the State Agency Advisory Committee make up the administrative files. The files document the appointment of members, the policies of the commissions, and the proceedings at meetings including the commissions' actions regarding schedules, RDAs, and publications. This record also documents the Establishing Disposition Requirement and Monitoring the Disposition of Records subfunctions.

III. Records No Longer Created. The following records were created by the State and Local Government Records Commissions over time, but are no longer created in this same format. These records were created for a purpose that no longer exists.

A. Temporary Records.

Establishing Guidelines, Rules, and Regulations

- **Microfilm Lab Certification Files.** The State and Local Government Records Commissions formerly certified micrographics labs that met requirements established by the commissions. This program is no longer active. The commissions record certification of labs in their minutes, so these files retain no long-term value.

Revision Completed: June 2000

Permanent Records List
Function: Regulatory and Stewardship
State and Local Government Records Commissions

Establishing Disposition Requirements:

1. State and Local Government Agency Files
2. Approved Records Retention Schedules and RDAs

Establishing Guidelines, Rules, and Regulations

1. Publications

Monitoring the Disposition of Records

1. Approved Destruction Notices
2. Agency Monitoring Reports

Administering Internal Operations:

1. Administrative Files

State Records Commission and Local Government Records Commission Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff. The RDA lists records created and maintained by the commissions in carrying out their mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the State and Local Government Records Commissions to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from “mutilation, loss, or destruction,” so that they may be transferred to an official’s successor in office and made available to members of the public. Under the Code of Alabama 1975, Section 36-12-40, “every citizen has a right to inspect and take a copy of any public writing in this state, except as otherwise expressly provided by statute.” Records must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the commission's records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records, regardless of the medium on which those records may be kept.
- Electronic mail is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain other record-related materials need not be retained as records under the disposition requirements in this RDA. They may be disposed of in whatever way the agency determines best. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the

period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records which are temporary records created for short-term internal purposes that may include, *but are not limited to*: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about department social activities, such as a note to a group going to lunch.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the commissions and lists the groups of records created and/or maintained by the commission as a result of activities and transactions performed in carrying out these subfunctions.

■ Establishing Disposition Requirements

STATE AND LOCAL GOVERNMENT AGENCY FILES

Disposition: PERMANENT RECORD.

APPROVED RECORDS RETENTION SCHEDULES AND RECORDS DISPOSITION
AUTHORITIES

Disposition: PERMANENT RECORD.

■ Establishing Guidelines, Rules, and Regulations

PUBLICATIONS

Disposition: PERMANENT RECORD.

Workshop Registration Files/Evaluations

Disposition: Temporary Records. Retain until completion of workshop summary or report (filed in the administrative files).

Microfilm Lab Certification Files

Disposition: Temporary Records. Retain for useful life.

■ Monitoring the Disposition of Records

APPROVED DESTRUCTION NOTICES

Disposition: PERMANENT RECORD.

AGENCY ANNUAL REPORTS TO THE STATE RECORDS COMMISSION
Disposition: PERMANENT RECORD.

■ **Administering Internal Operations**

ADMINISTRATIVE FILES (includes minutes)
Disposition: PERMANENT RECORD.

Recordings of Meetings

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA, including copies of transmittals for records transmitted to the State Records Center, records transferred to ADAH, and the agency's annual report to the State Records Commission

Disposition: Temporary Record. Retain until completion of one audit and the release of the audit report after creation of records.

Copy of RDA

Disposition: Temporary Record. Retain until completion of one audit and the release of the audit report after the RDA is superceded.

Approval of Records Disposition Authority

By signing this agreement the commissions acknowledge their responsibilities for the proper management of their records and agree to abide by the implementation guidelines listed below:

- The commissions will designate a managerial position as the agency records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the commission, for coordinating the transfer and destruction of records, for ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, for submitting an annual report on records management activities to the State Records Commission in July of each year, and for ensuring the regular implementation of the commission's approved RDA.
- Permanent records in the commission's custody will be maintained under proper intellectual control, and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. In certain circumstances, the commission may determine that a valid need exists to keep a record beyond its prescribed retention period. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The commission should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the commission chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The commissions agree to allow the State Records Commission, its staff, and the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the commission and to inspect records destruction documentation. Government Records Division archivists are available to train the commission staff in RDA implementation and otherwise assist the commission in implementing its records management program.

This records disposition authority is hereby adopted.

By: _____ Date: _____

Edwin C. Bridges,
Chairman, State and Local Records Commissions
Director, Department of Archives and History

By: _____ Date: _____

Tracey Berezansky, Assistant Director for
Government Records, ADAH